

28.03.2021
Court No. 19
Item No.18
CP

WPA 11714 of 2021

Jagannath Ganguly
vs.
The State of West Bengal & ors.
(via video conference)

Mr. Debasish Saha

.....for the petitioner.

Mr. Subhas Chandra Atha

.....for the respondent no.9.

Mr. Lalit Mohan Mahata
Mr. K. M. Hossain

.....for the State.

Affidavit of service is taken on record. Despite service, none appears on behalf of the panchayat authorities.

The writ petitioner has alleged that the respondent no.9 has made unauthorized construction on plot nos. 473/712, 473/713, 473/714, 472 and 475 within Mouza: Krishnanagar, JL No. 179, P.O.: Medinipur, P.S.: Onda, District: Bankura, without obtaining permission from the panchayat authorities. Allegations of illegal conversion of the land and encroachment have also been made.

The respondent no. 9 submits that the construction has been made only on Plot No.

473/713 and the same has been classified as 'Bastu'. He further submits that a title suit is pending against the petitioner with regard to the land purchased by the petitioner. The allegation of unauthorized construction is denied.

Mr. Mahata, learned Additional Government Pleader, submits that pursuant to the complaint lodged by the petitioner, an FIR has been registered against the respondent no.9.

It also appears that the police authorities have enquired into the matter and a prosecution case under Section 107 of the Code of Criminal Procedure has been submitted against the respondent no.9. The report of the police authorities is kept on record.

Admittedly, the remedy of the petitioner with regard to the illegal conversion of the land and encroachment, lie before different authorities. It is not for the panchayat authorities to either decide the issues of conversion of land, title and encroachment. However, it is the panchayat authorities who must enquire into allegations of unauthorized or illegal construction.

Under such circumstances, the writ petition is disposed of with liberty to the petitioner to approach the panchayat authorities in accordance with law on the allegations of unauthorized and/or illegal construction. If such application is made, the same

shall be disposed of in accordance with law upon hearing the concerned parties including the respondent no.9. Necessary inspection may be made and the parties shall be allowed to produce oral and the documentary evidence in support of their respective claims. The competent authorities shall reach the proceedings to its logical conclusion on the basis of the inspection made. The inspection report shall be submitted to all parties. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of 12 weeks from the date of receipt of the complaint of the petitioner.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)