

S/L 8
08.09.2021
Court. No. 19
GB

WPA 12004 of 2021

Sunil Ghosh
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Siddhartha Sarkar

...for the Petitioner.

Mr. Snehasis Banerjee.

...for the Respondent No.3.

Mr. Akash Dutta.

...for the Respondent Nos.10 & 11.

Mr. Pantu Deb Roy,

Mr. Subrata Guha Biswas.

...for the State.

The writ petitioner alleges that the respondent nos.10 and 11 have raised a new construction on Dag No.4524, Khatian No.9753 and 3535/1, J.L. No.51, Mouza – Kotulpur, P.S. – Kotulpur, District – Bankura. It is stated that by demolishing an old structure, a new construction has been raised, which has encroached into the public road.

Mr. Banerjee, learned advocate appearing on behalf of the Panchayat authorities submits that the respondent nos.10 and 11 have not raised any new construction but have renovated the already existing old structure. That the parties were called for a meeting by the panchayat authorities. The dispute was resolved with a direction upon the respondent nos.10 and 11 to only renovate the damaged portion of the old structure. It is submitted that permission to construct was already given to the respondent nos.10 and 11 in 2010 and 2016. The permission for new construction was not

given and according to the panchayat authorities such permission for new construction was not required as only renovation work was going on.

Mr. Sarkar, learned advocate appearing on behalf of the petitioner however submits that in the garb of repairing, encroachment has been made into the public road.

This allegation is denied by Mr. Dutta, learned advocate appearing on behalf of the respondent nos.10 and 11. He submits that as per the decision arrived at in the meeting of the panchayat authority, only repairing and renovation of the old structure has been undertaken and no unauthorized construction, encroaching upon the road has been made.

Under such circumstances, as the panchayat authorities are of the opinion that no new construction has been raised encroaching the public road, no order needs to be passed. However, if in future there is any unauthorized construction or any allegations are made regarding encroachment into a public road, then the authorities concerned shall act and proceed in accordance with law.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)