

08.09.2021  
Sl. No.15  
srm

**W.P.A. No. 12975 of 2021**  
**Animesh Nandi & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Uttiya Ray  
...for the Petitioners.  
Mr. Malay Krishna De,  
Mr. Abdus Salam  
...for the State.  
Mr. Arup Banerjee,  
...for the Respondent Nos.4 to 7.

The petitioner has lodged a complaint with the Pradhan of Rayan-I Gram Panchayat, District-Purba Bardhaman alleging forceful and illegal construction on the land of the petitioner by the respondent Nos.4 to 7.

Mr. Banerjee, learned Advocate appearing on behalf of the respondent Nos.4 to 7, submits that the land over which the proposed temple is being constructed does not belong to the petitioners and the question of title is disputed. He further submits that construction of a temple is going on over a plot of land belonging to the Biswaraj Sangha club. It is further submitted that an application for permission to build was submitted sometime in March/April, 2021 before the Panchayat authorities. It is a private construction proposed to be made within the premises of which the "Biswaraj Sangha" club.

This Court is of the opinion that unless there is a sanction from the authority with regard to the proposed construction, no construction can be made in violation of the provisions of law.

Under such circumstances, the writ petition is disposed of with a direction upon the Panchayat authorities to consider the representation of the petitioner No.1 and dispose of the same in accordance with law upon hearing the representatives of the petitioners as also the respondent Nos.4 to 7. The respondent Nos.4 to 7 shall be entitled to pray for expeditious disposal of the application for grant of sanction. Until the sanction is granted, no construction shall be carried out by the respondents. A reasoned order shall be passed and communicated to the parties.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

It is further submitted that the Panchayat authorities had given verbal consent to the respondent Nos.4 to 7 to start the construction of the temple, as the office of the Panchayat was not functioning due to the Covid situation.

The construction which has been made shall abide by the result of the decision of the Panchayat authorities.

With regard to title of the petitioners and the allegation of encroachment, neither this Court nor the Panchayat

authorities have any jurisdiction to pass any order. The petitioners are at liberty to approach the civil court if the club has anyway clouded the title of the petitioners or have encroached into the land of the petitioners.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**