

06.12.2021
Sl. No.37
srm

W.P.A. No. 14320 of 2021
Sri Pratik Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Animesh Paul
...for the Petitioner.

Mr. Nilanjan Adhikari
...for the Respondent No.8.

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the State-respondents.

Mrs. Manjuli Choudhuri
...for the Howrah Zilla Parishad.

The petitioner has alleged unauthorised construction by the respondent No.8. The specific allegation of the petitioner is that the respondent No.8 had constructed on a portion of L.R. Dag No.477 pertaining to L.R. Khatian No.628, J.L. No.43, Village and Mouza- Ronmahal, Police Station-Jagatballavpur, Howrah, without permission or sanction from the panchayat authorities.

Mr. Adhikari, learned Advocate appearing on behalf of the respondent No.8, has submitted a copy of the permission granted by the concerned gram panchayat indicating that the gram panchayat had permitted the said construction on February 10, 2020. Copy of the same is taken on record.

Mr. Nayak, learned Advocate appearing on behalf of the State-respondents, submits a report prepared by the Officer-in-Charge, Jagatballavpur Police Station, from which it appears that pursuant to the complaint lodged by the petitioner, the police officials went to the alleged premises to make an enquiry. A copy of the permission granted by the concerned gram panchayat was produced before the police by the respondent No.8. According to the Officer-in-Charge, the police authorities are not empowered to probe deeper into the issue. It is further stated in the said report that a civil suit is also pending between the parties. The report of the Officer-in-Charge, Jagatballavpur Police Station is taken on record.

Thus, on the facts pleaded in the writ petition and the complaint made, the writ petition cannot be entertained. However, if the petitioner raises any further objection with better particulars and details of the nature of unauthorized construction, the panchayat authorities shall dispose of the same in accordance with law upon giving an opportunity of hearing to all concerned.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)