

S/L 26
10.11.2021
Court. No. 19
GB

WPA 14503 of 2021

Briddhi Chand Anchalia
Vs.
The Pradhan, Harisara Gram Panchayat & Ors.

(Through Video Conference)

Mr. Tapas Majumdar,
Mr. Pronojit Roy.

...for the Petitioner.

Affidavit-of-service filed in Court today be kept with the record.

Despite service none appears on behalf of the respondents.

The allegations in the writ petition are that the respondent no.5 had forcefully occupied the premises belonging to the petitioner and had encroached into the land of the petitioner by raising some illegal and unauthorized construction.

The writ petition is disposed of with liberty to the petitioner to approach the appropriate authority in accordance with law.

If there are allegations of construction without a permission or in deviation of the permission, only in that case, the panchayat authority shall act in accordance with law, on the basis of the complaint. An opportunity of hearing must be given to the petitioner and to the respondent no.5 to

make appropriate submissions before the said authority in accordance with law.

The writ petition is not entertained at this stage only because the nature of the illegal and unauthorized construction has not been specifically mentioned.

It is also made clear that the question of encroachment, forceful occupation of the premises in question, title and possession shall not be gone into by the authorities.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)