

S/L 20
08.12.2021
Court. No. 19
GB

WPA 14714 of 2021

Jabeda Bibi @ Moral
Vs.
The State of West Bengal & Ors.

*Mr. Biswarup Biswas,
Mr. Gora Chand Samanta.*
...for the Petitioner.

*Mr. Molay Krishna De,
Mr. Srinath Singha Roy.*
...for the State.

Mr. Debrup Bhattacharjee.
...for the Respondent No.7.

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

The petitioner seeks disposal of his representation dated September 11, 2019. According to the petitioner, the respondent no.7 has raised certain unauthorized construction on a land, which was settled in favour of the petitioner by grant of Patta.

Contrary to the aforementioned submission, the respondent no.7 submits that the father of the respondent no.7 had purchased the said land sometime in 1973 and thereafter, the land was gifted to the respondent no.7 by way of a deed of gift.

The allegation is with regard to a construction on Plot Nos.2772-25 pertaining to Khatian No.1, J.L. No.1292/172 of

Mouza-Garan Bose, Police Station-Basanti, District-South 24 Parganas.

Mr. Bhattacharjee, learned advocate appearing on behalf of the respondent no.7 submits a report prepared by a senior surveyor engaged by Mr. Bhattacharjee's client dated December 5, 2021, from which it appears that the senior surveyor has opined that there was no pucca structure on the land in question. Only a tin shed structure existed. Thus, according to Mr. Bhattacharjee, no permission would be required from the authorities for construction of a tin shed structure, which is a 'kuncha' structure. The said report is taken on record.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the Pradhan, Bharatgarh Gram Panchayat to dispose of the representation of the petitioner in accordance with law upon hearing the petitioner as also the respondent no.7. Before hearing the parties, a fresh survey/inspection shall be made by an authorized staff of the office of the Gram Panchayat in order to ascertain the nature of the construction. If it is found that the construction has been made contrary to the provisions of law, then the proceedings shall be initiated and shall be reached to its logical conclusion. However, if it is found that there is only a 'kuncha' temporary structure and permission was not required, a reasoned order shall be passed and communicated to all the parties.

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 server copy of this order.

(Shampa Sarkar, J.)