

11.11.2021
Court No. 19
Item no.30
CP

WPA 16331 of 2021

Nandalal Mukherjee

Vs.

The State of West Bengal & ors.

Mr. Tarak Nath Halder

Mr. S. Chatterjee

.....for the petitioner.

Mr. Ziaul Islam

Mr. Abdus Salam

....for the State respondents.

Mr. Rajdeep Bhattacharya

Ms. S. Roy

...for the respondents 7 & 8.

The petitioner submits that the panchayat authorities have granted permission to construct on a plot of land being Plot No 520 being misled by the respondent nos. 6, 7 and 8 with regard to the area under ownership and occupation of the said respondents. According to the petitioner, the permission has been granted to construct in accordance with the plan and the said plan covers areas belonging to the petitioner as well.

Such disputed questions of fact cannot be gone into by this court. The writ petition is disposed of with a direction upon the Pradhan, Champahati Gram Panchayat to dispose of the representation of

the petitioner being Annexure P-6 to this writ petition. The said representation shall be disposed of upon hearing both the parties and upon allowing the parties to produce their respective documents. A reasoned order shall be passed and communicated to all concerned.

This court has not gone into the merits of the claims and counter-claims of the parties. This order shall not prevent the petitioner from approaching the appropriate civil court for other remedies as may be available under the law.

It is not for the panchayat authorities to decide the title but the panchayat authorities shall consider whether the plan has been issued in accordance with the documents produced by the respondents 6, 7 and 8.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)