

S/L 19
17.11.2021
Court. No. 19
GB

WPA 16420 of 2021

Abdul Mannan Molla
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Imdadul Biswas.

...for the Petitioner.

*Mr. Satyajit Mondal,
Mr. Amar Nath Sen,
Mr. Ratul Ghosh.*

...for the Respondent Nos.11 & 12.

Despite service none appears on behalf of the panchayat authorities.

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

The petitioner has alleged unauthorized construction by the respondent nos.11 and 12 on LR Plot Nos.710 and 711 of Mouza – Mirzapur, under Diamond Harbour Police Station, JL No.102, District – 24 Parganas (South).

According to the petitioner, despite an order of *status quo* by the lower appellate court in Title Appeal No.41 of 2011, the respondent nos.11 and 12 have made unauthorized construction without any permission. The petitioner has also raised an objection before the panchayat authorities. The said objection be disposed of by the panchayat authorities in accordance with law upon hearing the petitioner and the respondent nos.11 and 12.

It is open for the petitioner to approach the lower appellate court if it is the case of the petitioner that the construction has been made not only without any permission from the panchayat authorities but also in violation of the order of status quo. If it is found by the panchayat authorities that the construction has been made unauthorizedly, then the law shall take its own course unless there is any injunction of a civil court with respect to such construction. A decision shall be taken by the panchayat authorities and communicated to the parties within a period of eight weeks from date of communication of this order.

The petitioner shall be at liberty to approach the lower appellate court for further orders and/or directions by filing appropriate applications on the basis of the decision of the panchayat authorities and also allege violation of the order of status quo.

Accordingly, the writ petition is dismissed.

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.)