

Item No.200

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

08.04.2021
Ct-24

W.P.A.19906 of 2019
Basudeb Chel
v
The State of West Bengal & Ors.

Mr. Timir Baran Saha
... for the petitioner.

Mr. Om Narayan Rai
... for the Bank.

The petitioner in the instant writ petition has challenged the notice dated August 6, 2019 issued by the Pradhan of the Gram Panchayat whereby the permission for construction of boundary wall has been cancelled on the ground that the same was obtained upon suppression of material facts.

A report has been filed by the bank being the respondent no. 4 herein wherefrom it appears that the property in question is an encumbered one and by order dated April 10, 2014 the Debts Recovery Tribunal granted liberty to the bank to recover its dues by sale of hypothecated and mortgage properties, described in the schedule, and also to proceed against the defendants therein personally to recover the dues in accordance with law.

The property in question is the personal property of the petitioner herein who is the defendant no. 2 in the original application before the Debts Recovery Tribunal.

In view of the order passed by the Debts Recovery Tribunal, this Court does not find any illegality in the action of the Pradhan for cancelling the permission for construction of the boundary wall.

Accordingly, no relief can be granted to the petitioner in the instant writ petition.

WPA 19906 of 2019 stands dismissed.

It will be open for the petitioner to take appropriate steps before the proper forum in accordance with law, if so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(**Amrita Sinha, J.**)