

S/L 19
01.09.2021
Court. No. 19
GB

WPA 25944 of 2018

Prabir Polley
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Ayanava Bhattacharyya.

...for the Petitioner.

*Mr. D. Chatterjee,
Mr. Arjun Samanta.*

...for the State.

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

Despite service none appears on behalf of the Pradhan of the Serajbati Gram Panchayat.

It appears that the respondent nos.5 to 11 have refused service of the writ petition. The postal envelopes containing the endorsement “refused” have been filed before the Court.

The allegations are that the petitioner and the respondent nos.5 to 11 are joint owners in respect of L.R. Dag No.164 and 167 pertaining to L.R. Khatian No.402 and 503, Mouza – Jyotkalyan, P.S. Amta, District – Howrah. A partition suit had been filed by the petitioner and others being Title Suit No.65 of 2013. The said suit was dismissed on February 8, 2016. The petitioner along with other co-sharers preferred an appeal being F.A. No.179 of 2016. The said appeal is pending and this Court had directed the

parties to maintain status quo with regard to the nature and character of the suit property.

It is alleged that despite such order the respondent nos.5 to 11 have started construction on a portion of the undivided property without any sanction plan. The petitioner has lodged complaint with the Pradhan, Serajbati Gram Panchayat, but no action has yet been taken. The petitioner relies on an answer to the query made by the petitioner under the Right To Information Act, from which it appears that the Pradhan of the Serajbati Gram Panchayat intimated the petitioner that no permission to build on the L.R. Dag No.164 and 167 has been obtained by any person.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Serajbati Gram Panchayat to consider the representation/complaint of the petitioner and dispose of the same upon hearing the petitioner as also the respondent nos.5 to 11 and take all steps that may be necessary in accordance with law. A reasoned order shall be passed and communicated to all concerned. This Court has not gone into the merits of the claims of the petitioner and the Panchayat authority shall act independently.

The entire exercise shall be completed within a period of three months from date of communication of this order.

The Officer-in-Charge, Amta Police Station, respondent no.4 shall cause service of the server copy of this

order upon the Pradhan obtained from the learned advocate for the State respondents in order to ensure compliance.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)