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11.03.2021.
d.p.

**W.P.A 8476 of 2020
(Via Video Conference)**

**Faruk Hossain Mondal & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Mukteshwar Maity,
Ms. Manika Sarkar.
...For the Petitioners.**

**Mr. Shekhar Burman.
...For the Respondent
Nos. 6 to 8.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners allege illegal and unauthorized construction by encroaching the common passage by the private respondents.

The writ petitioners in paragraph 7 of the writ petition have mentioned that the private respondent No.10 encroached 3ft. land of the petitioners at the northern side and constructed a smooth pucca wall and the other private respondents encroached a part of the land in the southern side constructing temporary structure thereon.

It has further been averred that the private respondents claim to use 4ft. land of the petitioners at the southern side adjacent to their residential house to be used a common passage and constructed a drain on the land.

In paragraph 8 of the writ petition, it has been averred that the petitioners requested the respondent

Nos. 4 and 5 to stop such functioning of encroaching their land and to use the common passage for construction of a drain. Rest of the averments made by the petitioners revolve around encroachment of land by the private respondents.

The learned advocate appearing for the petitioners submits that the private respondents were constructing the boundary wall by encroaching their land.

The representation forwarded by the petitioners to the Pradhan of the Gram Panchayat also speaks about encroachment of their land by the private respondents.

From the submissions and the averments made in the writ petition, it appears that the petitioners allege encroachment of their land by the private respondents.

The issue of encroachment cannot be decided either by this Court or by the Gram Panchayat.

In view of the above, the writ petition stands dismissed.

The petitioners shall however, be at liberty to approach the appropriate forum in accordance with law for redressal of their grievances, if so advised.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)