

08.11.2021
Court No. 19
Item no.25
CP

WPA 9258 of 2020

D. Sarojini
Vs.
The State of West Bengal & ors.

Mr. Asis Bhattacharyya

.....for the petitioner.

Mr. Subhas Jana

....for the respondents 7 &8.

Mr. Lalit Mohan Mahata
Mr. A. Mahanta

...for the State.

The petitioner has alleged unauthorized construction by the respondents 7 & 8. It is contended that respondents 7 & 8 have encroached into a portion of the land belonging to the petitioner. The land of the petitioner is situated at Plot No. 286 pertaining to Khatian Nos. 578 and 579 of Mouza – Purba Behala under Kolaghat Police Station within the jurisdiction of Amalhandra Gram Panchayat.

Learned advocate, appearing for the respondents 7 & 8, submits that they have a sanction plan; that no construction has been carried on unauthorizedly; that there has been no deviation from the sanction plan.

Under such circumstances, as disputed questions of fact are involved, the writ petition is disposed of with liberty to the petitioner to file a complaint before the concerned gram panchayat. If such complaint is filed, then the authorities of the gram panchayat shall act and proceed in accordance with law and dispose of the representation/objection upon hearing the parties and upon holding an inspection prior to such hearing in order to ascertain as to whether there has been any deviation from the sanction plan or not.

The question of title and encroachment shall not be looked into by the gram panchayat and the petitioner shall be at liberty to initiate appropriate proceedings in the manner prescribed under the law.

The panchayat authorities shall dispose of the entire issue on receipt of the complaint of the petitioner within six weeks thereafter.

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.)