

20.09.2022
Court No. 19
Item no.72
CP

W.P.A. No. 104 of 2022

Sri Sudip Kumar Mahato

Vs.

The State of West Bengal & Ors.

Mr. Debasis Sur

Mr. Angshuman Patra

.....for the petitioner.

Mr. Ashim Ganguly

Mr. Sudip Sarkar

...for the State.

The writ petition is not maintainable in its present form.

The petitioner has alleged that the respondent no. 4 has attempted to raise an illegal construction, by encroaching the land of the petitioner. The petitioner claims title over the land in question.

Vague and omnibus allegations cannot be entertained. The demand of justice does not indicate the nature and extent of unauthorized construction. It appears that the petitioner has claimed title in respect of the property and has asked the panchayat authorities to remove encroachment. Such prayer cannot be allowed either by the writ court or by the panchayat authorities.

If the petitioner files any complaint, alleging illegal and unauthorized construction, with specifications, the same shall be considered and disposed of in accordance with law, upon hearing all the relevant parties.

The question to be determined would be whether the alleged construction was raised without a plan or in violation of the rules. The question of encroachment, and rival claims to title, shall not be decided by the panchayt authorities.

This court has not gone into the merits of the claims of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)