

14.11.2022
Court No. 19
Item No.04
CP

W.P.A. No. 452 of 2022

Sri Sunil Baran Manna

Vs.

The State of West Bengal & Ors.

Mr. Mukteswar Maity

...for the Petitioner.

Mr. Gausul Alam,
Mr. Amit Kumar Ghosh

...for the State-respondents.

Affidavit of service is taken on record. Despite service none appears on behalf of the respondent nos. 7 to 9.

As the Court is not inclined to pass mandatory directions as prayed for in the writ petition, but is relegating the entire dispute for adjudication by the competent authority under law, the writ petition is taken up in their absence.

The writ petition is misconceived. The allegation of the petitioner is that the respondent nos. 7 to 9 have raised an unauthorized construction, whereas on perusal of the complaint lodged before the Pradhan it appears that the petitioner had requested the panchayat authorities not to grant any permission to the respondent nos. 7 to 9 until the demarcation/partition in respect of the plots of land being Nos. 480, 778, 787 and 796 of Mouza – Dholmari had been effected. The records do

not reveal whether the respondent nos. 7 to 9 had at all approached the panchayat authorities for a permission to construct. Records also do not reveal whether the panchayat authorities had at all taken any steps to grant any permission.

Under such circumstances, on the mere apprehension of the petitioner that the respondent nos. 7 to 9 might raise an unauthorized construction on the undivided plots of land or a sanction might be granted, the writ petition cannot be entertained.

The writ petition is disposed of.

It is evident from the records that the petitioner has not yet made any allegation before the permission granting authority that the respondent nos. 7 to 9 have either raised any construction or have started raising construction without following the provisions of law.

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.)