

S/L 39
04.05.2022
Court. No. 19
GB

WPA 736 of 2022

Kazi Abdul Rob
VS
The State of West Bengal & Ors.

*Mr. Soura Subhra Ray,
Mr. Nizam Gharami.*

...for the Petitioner.

*Mr. Himadri Sikhar Chakraborty,
Ms. Debdooti Dutta.*

...for the State.

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

Despite service none appears either on behalf of the panchayat authorities or on behalf of the respondent nos.5 to 9.

The allegation is that the respondent nos.5 to 9 have been encroaching into a 6ft. common passage. It is submitted that an illegal construction has commenced.

On the contrary, the police authorities have submitted a report, from which it appears that the bone of contention between the parties is over a demarcation of an ancestral property. There is a discord between the parties with respect to a passage through which the petitioner has tried to ply his car. Such discord gave rise to M.P. Case No.2559 of 2021. The police authorities did not find any construction on any passage.

As the panchayat authorities are not represented before this Court, it is not possible for the Court to determine the issue and the merits of the claims of the petitioner

cannot be gone into at this stage especially in view of the police report, which has been filed in Court today. However the police report indicates that the dispute between the parties is over a demarcation of an ancestral property.

Under such circumstances, no order can be passed in the writ petition. The panchayat authorities are directed to ensure that no construction should take place either in the absence of any plan or permission or in violation of any building rules.

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 learned advocate's communication.

(Shampa Sarkar, J.)