

11. 21.03.2022
Ct. No.06
Tanmoy

M.A.T. 206 of 2022

**Sri. Debabrata Bera
-Versus-
The State of West Bengal & Ors.**

**With
IA No: C.A.N. 1 of 2022**

Mr. Satyendra Agrawal, Adv.,
Mr. Tarak Nath Sarkar, Adv.,
Mr. Bijoy Bag, Adv.

...for the appellant.

The appeal and the connected application are taken up together for hearing.

This appeal is directed against an order dated January 19, 2022, passed by the learned Single Judge in W.P.A. 12387 of 2021. It appears that the writ petitioner approached the learned Single Judge with a twofold grievance. Firstly, it was alleged that an *Ashram* namely *Anandamoyee Ashram*, has been constructed encroaching upon the land of the writ petitioner; and secondly, it was alleged that the *Ashram* has been constructed without any sanctioned plan from the concerned *Panchayat*.

Though, it appears that there was a pending civil suit between the parties, learned Single Judge called for a report from the Block Land and Land Reforms Officer (BL&LRO), Daspur-I, Paschim Medinipur, who held an inspection of the area with the help of an Amin. The learned Single Judge took the pain to consider the report in minute details and came to a finding that the said

Ashram had not been constructed on the land of the writ petitioner.

With regard to the grievance relating to unauthorized construction, the learned Judge granted liberty to the writ petitioner/appellant to make a further complaint and directed that if such complaint was made to Daspur-I Gram Panchayat, the said complaint should be disposed of upon considering the rival contentions of the writ petitioner/appellant, respondent nos. 11 to 16 and the local villagers who are connected with the *Ashram/Temple*.

Learned advocate appearing for the writ petitioner/appellant submits before us that the building has been constructed without any sanctioned plan from the local *Panchayat*.

The learned Single Judge, as indicated above, has already directed that if any complaint is made in that regard by the appellant/writ petitioner, the same shall be considered by the *Panchayat*.

For the aforesaid reasons, there is no ground to interfere with the order impugned. Accordingly, the appeal being M.A.T. 206 of 2022 and the connected application being IA No: C.A.N. 1 of 2022 are dismissed.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)