

S/L.90
28.09.2022
Court. No. 19
sn

W.P.A. 4306 of 2022

Asish Chall
VS
The State of West Bengal & Ors.

Mr. Amitabha Ghosh ... *for the Petitioner*

Mr. Sudipto Panda
Ms. Munmun Tewari ..*for the State*

The postal article which was sent to the respondent nos. 8&9 have returned with the endorsement "Refused".

Let the affidavit of service be taken on record.

None appears on behalf of the respondent nos. 3 to 7.

As this Court is not inclined to pass any mandatory direction as prayed for by the writ petitioner, but is relegating the entire issue to be determined by the appropriate authority, the writ petition is taken up and disposed of in the absence of the non-appearing respondents.

The petitioner alleges that the respondent nos. 6 to 9 have been running a shop from the premises situated at Tisa 20 Rail Gate, without any valid trade license from the panchayat authorities. The petitioner also alleges that the said persons do not have any right, title and interest in respect of the property in question. With regard to the claim of the petitioner of being the recorded owner of the premises in question

and with regard to the allegation of wrongful occupation by the respondents in respect of the said premises, this Court is of the view that such issues are to be decided by a civil court.

The only issue which is required to be decided, is whether any business is being run from the premises in question, without proper trade licence or permission from the panchayat authorities or not.

Under such circumstances, this writ petition is disposed of with a direction upon the Pradhan, Kapasharia Gram Panchayat to dispose of the complaint of the petitioner dated December 13, 2021, being Annexure P/4 at page 38 of the writ petition, in accordance with law.

An enquiry shall be made and a decision shall be taken by the concerned authorities upon hearing the petitioner as also the respondent nos. 6 to 9. Both parties shall file their relevant documents in support of their respective claims.

A reasoned order shall be passed and communicated to the petitioner.

The question of right, title and interest of the parties with respect to the property in question, shall not be gone into.

This order shall not be construed as an acceptance of the Court on the correctness of the statements made in the writ petition.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the Pradhan, Kapasharia Gram Panchayat for compliance.

This 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.)