

28.09.2022
Sl. No.97(DL)
srm

W.P.A. No. 4522 of 2022

Shikha Dolai

Vs.

The State of West Bengal & Ors.

Mr. Debasis Sur,
Mr. A. Patra

....for the Petitioner.

Mr. M.A. Samad,
Mr. M. Zahedi

...for the Respondent No.6.

Affidavit-of-service is taken on record. Despite service, none appears either on behalf of the panchayat authorities or on behalf of the State-respondents.

The petitioner alleges that the respondent No.6 had raised an unauthorised construction on LR Dag No.819, JL No.235 of mouza Sitapur, District-Paschim Medinipur. According to the petitioner, neither any permission nor any sanction had been granted for such construction. It is further submitted that the said plot has been classified as 'jal'.

Contrary to the aforementioned submissions, the learned Advocate for the respondent No.6 submits that the construction on LR Dag No.819, JL No.235 pertaining to Khatian No.2202, was permitted by the panchayat

authority. Copies of such documents have been handed over to the court.

Under such circumstances, no interference is called for with regard to the construction on LR Dag No.819, JL No.235 pertaining to Khatian No.2202.

However, if the petitioner finds that the said construction has been raised above a single-storeyed residential structure or without maintaining the rules, the petitioner may approach the authority in accordance with law.

This order shall not be construed as an observation on the construction on LR Dag No.816 as the same is not the subject matter of dispute in this writ petition.

It is made clear that the construction shall be made strictly in accordance with the plan and the rules.

Copies of the building plan, the permission and the record of rights filed by the respondent No.6 are taken on record.

The writ petition is, thus, disposed of.

There will be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)