

31.10.2022
Court No. 19
Item no.76
CP

W.P.A. No. 4907 of 2022

Soumen Majhi

Vs.

The State of West Bengal & Ors.

Mr. Sukumar Ghosh

Ms. Moumita Ghosh

...for the petitioner.

Mr. Bibek Jyoti Basu

Ms. Rajlakshmi Ghatak

....for the State.

Mr. Surendra Kumar Sharma

...for the respondent nos. 6 & 7.

None appears on behalf of the respondent no. 5, despite service.

The petitioner alleges that the respondent nos. 5 to 7 has raised constructions over Dag No. 2716, without any permission from the concerned authority and in violation of the order of status quo passed by the learned Civil Judge (Senior Division) at Chandannagore, Dist. – Hooghly. The petitioner is the respondent no. 3 in the said suit. The respondent no.5 is one of the plaintiffs.

It appears that upon a contested hearing, the learned court had directed the plaintiffs and the defendant nos. 1 to 3 to maintain status quo with

regard to the property in question. The petitioner alleges that in violation of the order of status quo, the respondent no. 5 has been raising a construction.

Learned advocate for the respondent nos. 6 & 7 submits that the said respondents were impleaded as defendant nos. 8 & 9 in the civil suit and that there was no order upon the said respondents. It is further submitted that the construction of the respondent nos. 6 & 7 has been made upon obtaining necessary permission from the Singur Panchayat Samiti.

The petitioner relies on an answer given by the Joint Block Development Officer & SPIO, Singur that no sanction/permission had been granted to Laxmikanta Patra, i.e., the respondent no.5 for construction on Plot No. 2716. However, the same letter indicates that the respondent nos. 6 & 7 had been granted permission for construction.

The main grievance of the petitioner is that the respondent nos. 5, 6 and 7 were constructing in violation of the order of status quo and without a sanction. The petitioner is directed to approach the learned civil court with his allegation of violation of the order of status quo and for further orders as may be permitted under the law. If such application is made, the same shall be disposed of by the learned Civil Court, in accordance with law upon contested hearing.

The petitioner is also at liberty to pray for variation, vacation and/or modification of the order of the learned Civil Court so that necessary steps may be taken by the authorities if any unauthorized construction is detected at the instance of the respondent nos. 5 to 7.

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 server copy of this order.

(Shampa Sarkar, J.)