

**Sl. No.39**  
**30.08.2022**

Court No.24  
B.M.

**In The High Court At Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**WPA 8732 of 2022**

**Arup Shyamal & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Sujit Kumar Rath  
... for the petitioners  
Mr. Himadri Sekhar Chakraborty  
Ms. Susnita Saha  
... for the State

The petitioner alleges illegal and unauthorised construction at the instance of the respondent nos.7 to 12. The complaint filed by the petitioner against such illegal construction before the Pradhan of the Gram Panchayat is pending consideration till date.

On a perusal of the said complaint, it appears that the primary allegation of the petitioner is regarding encroachment of the private property of the petitioner at the instance of the aforesaid respondents. There is no averment that construction was being made without any sanctioned plan or in deviation of the plan sanctioned by the Gram Panchayat.

It appears from the submissions made on behalf of the parties that a civil Suit is pending in between the parties and an order of injunction has also been passed by the learned Court below.

In view of the above, no relief can be granted to the petitioner in the instant case.

It will be open for the petitioner to make appropriate representation before the Panchayat, in the event the private respondents are making construction without proper permission from the Panchayat.

Report filed by the Officer-in-Charge, Belda Police Station dated 28.08.2022 be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**