

S/L 37
06.09.2022
Court. No. 19
GB

W.P.A. 12249 of 2021

Bablu Giri & Ors.
VS
The State of West Bengal & Ors.

*Mr. Saibal Acharyya,
Mr. Malay Bhattacharya,
Mr. Pradip Paul.*

...for the Petitioners.

*Mr. Anirban Roy,
Mr. Raja Saha,
Mr. Biswabrata Basu Mallick.*

...for the State.

Mr. Uttam Kr. Bhattacharya.

...for the Respondent Nos.3 & 4.

*Mr. Amit Baran Dash,
Mr. Ankana Sarkar.*

...for the Respondent No.9.

The writ petition has been filed alleging encroachment and illegal construction on the property of the petitioners, by the respondent no.9. The petitioners pray for an order upon the Zilla Parishad as also the panchayat authorities for removal of the said encroachment.

According to the petitioners, such encroachment has disturbed the petitioners' ingress and egress to and from the public road, into his own land. The other allegation is that the Zilla Parishad had acquired the petitioners' land without payment of any compensation.

With regard to the allegation of encroachment by the respondent no.9 and construction of a structure on the land, belonging to the petitioners, allegedly blocking the ingress and egress of the petitioners to and from the public road, this Court is of the view that such private dispute cannot be decided either by a writ Court or by the Zilla Parishad.

The petitioners are at liberty to approach the civil court, where a civil suit is already pending between the petitioners and the respondent no.9 for further protection of their property. If such application is filed, the same shall be disposed of in accordance with law. There is already an order of status quo with regard to the nature and character of the suit property and as such, any order by the Court in respect of such suit property would be in conflict with the order of ad interim injunction, which has been passed.

With regard to the allegation of non-payment of compensation upon acquisition of the land of the petitioners, the petitioners are at liberty to approach the appropriate authority in accordance with law. It is the specific contention of the Zilla Parishad that the said allegation is not correct.

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 learned advocates' communication.

(Shampa Sarkar, J.)