

30.03.2022

Sl. No. 17

ss

W.P.A. 12647 of 2021

Madhab Pradhan

Vs.

The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna

... for the petitioner

The writ petition is based on an apprehension that the respondent no.8 may make an attempt to construct a building upon the land of the petitioner.

It is averred that the petitioner made an objection with regard to such encroachment and construction of the building. It appears that the petitioner approached the police authorities with the prayer that the materials, which have been accumulated, by the respondent No. 8, should be removed.

The pleadings in the writ petition do not disclose that there are allegations of unauthorised construction. The petitioner has prayed that the police authorities be directed to assist the petitioner to demolish the structures of the respondent no.8.

Such prayer cannot be entertained by the writ court.

The prayer for injunction restraining the respondent no.8 from disturbing the peaceful possession of the petitioner, cannot also, be entertained by the writ court.

The petitioner is at liberty to file a civil suit with regard to such threat of dispossession, encroachment etc.

In case the petitioner files any complaint in future with regard to any construction being raised without any sanction plan or in violation of the rules, the Panchayat authorities shall look into such complaint and take necessary steps in accordance with law.

However, this order shall not be construed as an opinion of this Court with regard to the correctness of the allegation made by the petitioner. The authorities, if approached, shall act and proceed in accordance with law.

With the above observations, this writ petition is disposed of.

There will be no order as to costs.

All parties are to act on the basis of website copy of this order.

(Shampa Sarkar, J.)