

S/L 1
27.01.2022
Court. No. 19
GB

WPA 13853 of 2021

Govinda Mondal
Vs
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal.*

...for the Petitioner.

*Mr. Kartick Bhattacharya,
Mr. Subhas Chandra Dutta.*

...for the Respondent Nos.6 to 9.

*Mr. Srijan Nayak,
Mrs. Rituparna Maitra.*

...for the State.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner claims to be the co-owner in respect of the L.R. Dag No.922, Mouza-Natna, J.L. No.107 situated under Natna Gram Panchayat. It is the contention of the petitioner that the respondent nos.8 to 10 have been raising an unauthorized construction on a portion of the said undivided plot without obtaining any permission/authorization from the panchayat authorities. It is submitted that the complaint of the petitioner has not been addressed by the panchayat authorities.

It is submitted by the respondent nos.8 to 10 that the petitioner is not the co-owner of the property in question. That the allegations of raising an unauthorized construction

made against the respondent nos.8 to 10 are baseless. That a house is being constructed under the 'Banglar Awas Yojana', which is a scheme for housing for all. That the construction has been made as per the drawing and as per the guidelines of the scheme, which has been ratified by the authorities. No other construction has been made by the said respondents.

Neither this Court nor the panchayat authorities are empowered under the law to adjudicate the dispute as to co-sharership. The questions of title, encroachment etc. are not to be decided in this proceeding. The petitioner has alleged that there is no permission for the alleged construction. Per contra, the respondent nos.8 to 10 have contended that the construction is on the basis of the housing for all scheme and as per the guidelines and approved map.

Under such circumstances, the Pradhan of Natna Gram Panchayat is directed to dispose of the complaint of the petitioner dated July 22, 2021 in accordance with law, upon giving an opportunity of hearing to all the parties. A reasoned order shall be passed and communicated to all concerned. Needless to mention that an inspection shall be made in the presence of the parties and a report containing the findings of the inspection shall be handed over to the parties. The parties will be entitled to make their submissions and file their written versions before the authority in respect of their respective claims. Upon consideration of the entire issue including all evidences that

may be produced by the parties, the competent authority shall come to a logical conclusion.

The entire exercise shall be completed within a period of six months from date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties.

The report filed by the I/C, Tehatta Police Station is taken on record. The police authorities have submitted that the disputes between the parties are civil in nature but the police authorities, however, have been ensuring that no breach of peace takes place.

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.)