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**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.M.A. 1076 of 2022
With
CAN 1 of 2022**

**Najrul Sekh
Vs.
Jelehar Begum and Anr.**

Ms. Somoshree Saha

... For the Appellant.

Re: CAN 1 of 2022

After hearing learned counsel for the parties, we heard out this appeal and the connected application, after dispensation of all formalities. We pass the following order:-

The concerned Block Development Officer along with the inspector-in-charge of the local police station will visit the subject premises as early as possible upon notice to the parties of the date and time of their visit. The parties should be present when these two officials visit the property.

S.D. The appellant has to satisfy them that he was in occupation of a thatched house which allegedly existed at the construction site and which has been demolished by the appellant to raise a permanent construction. If it is found upon enquiry that the appellant lived in a thatched

house in that area, only that portion will be demarcated and the appellant allowed to raise construction there subject to proper sanction by the local authority. The construction will strictly be made in that area and not a little more. We also make it clear that if it is found that the appellant did not reside in the area where the construction is proposed, no construction can be done.

In the event, the said area is not allotted to the appellant in the preliminary decree or final decree in the partition suit the appellant will have to relinquish that part of the property without claiming any right.

We request the learned court below to dispose of the partition and administration suit within eighteen months from date, pronouncing the preliminary decree not later than 12 months from the date of communication of this order.

The police and the Block Development Officer will file a joint report before the learned court below by 31st January, 2023.

The impugned judgement and order of the learned court below is modified to the above extent.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

