

S/L 4
26.09.2022
Court. No. 19
GB

W.P.A. 20849 of 2022

Madhusudan Saha
VS
The State of West Bengal & Ors.

*Mr. Rupayan Deb,
Mr. Rudraprasad Matilal,
Mr. Abhishek Sarkar.*

...for the Petitioner.

*Mr. Naba Kumar Das,
Mr. Subhabrata Das.*

...for the State.

*Mr. Uttiya Ray,
Mr. Arnab Mandal.*

...for the Respondent Nos.8 to 11.

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

The writ petition is based on apprehension and
hearsay. The petitioner came to learn from reliable sources
that the respondent nos.8 to 11 were trying to raise an
unauthorized construction on L.R. Plot No.5151 of Mouza-
Galsi without any valid permission from the panchayat
authorities.

The learned advocate for the respondent nos.8 to 11
submits that having failed in a proceeding before the
prescribed authority under Section 50(1)(f) of the West
Bengal Land Reforms Act, 1955 and further having been
denied an order of injunction in Title Suit No.104 of 2015 by
the competent civil court, this is the last resort adopted by
the petitioner to harass the co-sharers and to prevent the co-
sharers from enjoying their property. It is specifically
submitted that no construction is going on.

The police authorities have submitted a report. The facts stated in the report by the police authorities more or less tally with the facts as per the version of the respondent nos.8 to 11.

It appears that on the complaint of the petitioner, criminal investigation is pending. As it has been specifically submitted by the respondent nos.8 to 11 that they are not making any construction on the suit land, this Court need not order further probe in the matter by the panchayat authorities. However, if in future any unauthorized construction is raised and the petitioner makes specific allegation in respect thereof, the authority shall act in accordance with law. Stray and omnibus allegations should not be entertained.

Accordingly, the writ petition is disposed of without any orders.

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.)