

07.11.2022
Sl. No.11(DL)
srm

W.P.A. No. 20878 of 2022
Ms. Sammani Mondal
Vs.
State of West Bengal & Ors.

Mr. Haradhan Mondal
.....for the Petitioner.

Mr. Jahar Lal De,
Mr. Jaladhi Das
...for the State-respondents.

None appears on behalf of the Pradhan as also the
respondent No.8

As this court is not inclined to pass any mandatory
directions, the writ petition is taken up in their absence.

The prayers in the writ petition indicate that the
petitioner seeks a writ in the nature of mandamus upon the
concerned panchayat authorities to settle the dispute
between the petitioner and the respondent No.8. Further
prayer has been made for an order of restraint upon the
said respondent so that the peaceful enjoyment of the
property in question by the petitioner is not disturbed. The
fact that the house was being constructed within the area
belonging to the petitioner's husband as per the land
records, is not in dispute. The Block Development Officer,

Labhpur Development Block, Birbhum also permitted the construction without any external intervention. The respondent No.8 was restricted from entering into the plot of the petitioner. The Pradhan of Indus Gram Panchayat, Birbhum was directed to extend cooperation to the petitioner during such construction, strictly in accordance with law. The Officer-in-Charge, Labhpur Police Station, Birbhum was directed to keep a close vigil. The construction was completed but the boundary wall has not yet been erected.

Under such circumstances, nothing remains to be decided in the writ petition. However, in future if the respondent No.8 tries to restrain the petitioner from constructing the boundary wall or attempts to encroach into the land of the petitioner and prevent the petitioner from using her land, the remedies of the petitioner before the civil court, the appropriate authorities and also the police authorities shall remain open.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)