

26.09.2022
Sl. No.24(DL)
srm

W.P.A. No. 21884 of 2022
Angur Ali
Vs.
State of West Bengal & ors.

Mr. Arindam Roy,
Mr. A. Mondal
.....for the Petitioner.

Mr. Rajarshi Basu,
Mr. Shehnea Tareq Mina
.....for the State-respondents.

Mr. Manas Kumar Das
...for the Respondent Nos.14 & 15.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the panchayat authorities.

The petitioner alleges that the respondent Nos.14 and 15 have constructed on LR Dag No.67 of mouza Nabagram, without any permission from the panchayat authorities. It is further submitted that the classification of the land has not been changed to '*bastu*' from '*amon*'. The petitioner seeks intervention of the Court to restrain the respondent Nos.14 and 15 from raising the construction in violation of the alleged order of injunction. A prayer has been made for implementation of the order of injunction.

Mr. Das, learned Advocate appearing on behalf of the respondent Nos.14 and 15, submits that the permission had been granted by the gram panchayat. The permission has been annexed to the writ petition. The permission was granted to the mother of the said respondents. The mother of the said respondents gifted the property to the respondent Nos.14 and 15. The nature of the order of injunction does not indicate that construction on the property had been totally stopped. The construction was raised in accordance with law, as per the said respondents.

The writ petition does not disclose that the petitioner had approached the competent authority under the law with the allegations of unauthorized construction. The information slip, which has been filed, does not indicate that by the order of the injunction the respondent Nos.14 and 15 were restrained from raising any construction. Neither the Writ Court nor the panchayat authorities can implement the order of injunction. Thus, the prayer for implementation of the order of injunction cannot be allowed.

However, if the petitioner approaches the competent permission granting authority with specific allegations, the competent permission granting authority shall dispose of the same in accordance with law upon

granting an opportunity of hearing to both the parties. Action shall be taken in accordance with law. Before such hearing is granted, spot inspection in presence of the parties shall also be made. Parties shall be permitted to file their written versions and adduce evidence. A reasoned order shall be passed and communicated.

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.)