

M/L 2
12.12.2022
Court. No. 19
GB

W.P.A. 20817 of 2019

Faijul Haque & Ors.
VS
The State of West Bengal & Ors.

Ms. Nasreen Islam.

...for the Petitioners.

*Mr. Debjit Mukherjee,
Mrs. Rupsha Chakraborty.*

...for the State.

*Mr. Arnidam Das,
Mrs. Rumeli Sarkar.*

...for the Respondent nos.5 to 14.

The allegation in the writ petition is that the respondent nos.5 to 14 have raised certain unauthorized construction on a land adjacent to the premises of the petitioners. The petitioners' land is situated on L.R. Plot No.311.

From the nature of the construction and as admitted by the petitioners, it appears that some huts were made with hay, straw and bamboo. As per the panchayat law and building rules frame thereunder, no permission for such kind of temporary construction was required. Only if the walls were brick built, the provisions of Section 23 of the West Bengal Panchayat Act, 1973 would be attracted.

The learned advocate for the respondent nos.5 to 14 submits that the temporary thatched structures have existed for the last 40 years and there was no encroachment either on the petitioners' land or on the panchayat road.

With regard to the allegation that the construction is over the road and was disturbing the ingress and egress of the

petitioners, the Court grants liberty to the petitioners to approach the concerned gram panchayat. If such representation is filed the same shall be disposed of in accordance with law upon hearing the petitioners and a representative of the respondent nos.4 to 15. A reasoned order shall be passed and communicated to all concerned.

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

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.)