

S/L 12
15.12.2022
Court. No. 19
GB

W.P.A. 23119 of 2022

Nanda Dulal Sarkar
VS
The State of West Bengal & Ors.

Mr. Tanmay Basu.

...for the Petitioner.

*Ms. Sudipa Ray,
Mrs. Rupsha Chakraborty.*

...for the State.

*Mr. Billwadal Bhattacharyya,
Ms. Oishee Choudhury.*

...for the Respondent Nos.5 & 6.

The Pradhan, Hariharpara Gram Panchayat is present
before the Court.

The police authorities have carried out the order
passed by this Court and their effort is appreciated.

A report has been filed prepared by the Nirman
Sahayak of the said gram panchayat. It appears that the said
Nirman Sahayak personally visited the spot being L.R. Plot
No.843 of Mouza-Hariharpara. The specific report is that no
construction was being carried on, only a low boundary wall
had been constructed having an average height of 1 ft. in the
East, 6” to 10” in the North. The other sides of the land do
not have a wall.

It is submitted that for such demarcation, permission
from the panchayat authorities would not be required.

The learned advocate for the petitioner submits that
apart from the low wall, other constructions had been raised.

Mr. Bhattacharyya, learned advocate appearing on
behalf of the respondent nos.5 and 6 submits that the

petitioner is trying to agitate a cause which is already sub judice before the civil court, only to influence the pending suit. He alleges that the pleadings in the writ petition would indicate that essentially the dispute is with regard to right, title and interest in respect of the land in question. He further submits that if the petitioner is aggrieved by any action on the part of the respondent nos.5 and 6 during the pendency of the order of status quo, the remedy of the petitioner would be before the concerned civil court.

Having heard the learned advocates for the respective parties, this Court is of the view that an inspection shall be made by the Hariharpara gram panchayat in presence of the parties in order to ascertain the nature and extent of any construction. If any construction is found to have been raised without any sanction or in contravention to the building rules, the same shall be dealt with in accordance with law. The other issues with regard to violation of the ad interim order of injunction, interest of the respondent nos.5 and 6 in respect of the plot in question, the title of the parties etc. shall not be gone into.

Needless to mention that the respondent nos.5 and 6 shall not raise any construction without approval from the authority.

This order shall not preclude the respondent nos.5 and 6 from proceeding in accordance with law, subject to the orders of the civil court.

Accordingly, the writ petition is disposed of.

The personal appearance of the Pradhan is dispensed with.

However, there will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)