

S/L 13
12.12.2022
Court. No. 19
GB

W.P.A. 26100 of 2022

Kasem Ali Molla
VS
The State of West Bengal & Ors.

*Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh,
Mr. Koushik Banerjee.*

...for the Petitioner.

*Mr. Syed Nasim Aejaaz,
Mr. Shambhu Nath Sardar.*

...for the Respondent Nos.10, 12 & 14.

The petitioner alleges that the respondent nos.10 to 14 have been raising a construction in violation of an order of status quo passed by the learned civil court. At the instance of the petitioner, a civil suit for partition is pending.

The learned advocate for the respondent nos.10, 12 and 14 submits that the said respondents have obeyed the decision of the learned civil court and no construction has been raised after such order of status quo was communicated.

Although the petitioner submits that the construction allegedly made by the respondent nos.10 to 14 is without any sanction or permission from the authority, the representation filed before the Sakshaksahar Gram Panchayat does not indicate that such objection had ever been raised before the panchayat authorities.

The writ petition is disposed of without any order. The respondent nos.10 to 14 shall comply with the order of status quo passed by the learned civil court. In case of violation of

the order of status quo, the petitioner may approach the learned civil court.

However, if the petitioner raises any allegation with regard to any unauthorized construction at the instance of the respondent nos.10 to 14 before the panchayat authority, such complaint shall be disposed of in accordance with law upon giving an opportunity of hearing to all concerned.

This order shall not be construed as an opinion of the Court with regard to the correctness of the allegation made by the petitioner. The authority shall act and proceed in accordance with law and independently.

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.)