

S/L 915
18.11.2022
Court. No. 19
GB

W.P.A. 29254 of 2015

Sri Arun Bar
VS
The State of West Bengal & Ors.

Mr. Indubhusan Das.

...for the Petitioner

*Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.*

...for the State.

The writ petition is based on surmise and conjecture.

It appears that the petitioner approached the panchayat authorities of Borai Phalampur Gram Panchayat with the allegation that the respondent nos.6 to 9 had been forcefully raising a construction on the land of the petitioner.

Upon perusal of the said representation, it appears to the Court that the only allegation was that the respondent nos.6 to 9 were encroaching the land of the petitioner. There is no allegation that the construction is either without any permission/sanction or contrary to the rules.

Thus, this court is of the view that a complaint of such nature cannot be entertained by the panchayat authorities as the panchayat authorities are not empowered by law to decide the question of title in respect of the land in question. The allegation of encroachment and the issues relating to a boundary dispute, title or possession are not to be decided by the panchayat authorities.

The petitioner did not file any complaint alleging that the construction was in violation of the West Bengal Panchayat Act, 1973 and the rules framed thereunder.

Thus, no order can be passed in this application. However, if the petitioner has reason to believe that the construction is without a sanction or without any permission, the remedy of the petitioner to approach the panchayat authorities by filing appropriate objection is always available. However, vague and omnibus allegations of the kind which has been stated in the writ petition, cannot be entertained. The issue of encroachment can be decided only by a civil court.

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.)