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09.03.2022.
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 180 of 2022

Bina Rani Mandal
-versus
The State of West Bengal & Ors.

Mr. Hillol Saha Podder
... For the petitioner

Mr. Debasish Mukhopadhyay
Mr. Anirban Banerjee
Ms. Madhushri Dutta
... For the private respondent

Mr. Hirak Barman
Mr. Pretom Das
... For the State

The petitioner alleges that the private respondent herein is making illegal and unauthorized construction over a piece of land which the writ petitioner occupies under a lease from the Jalpaiguri Zilla Parishad.

The petitioner claims to have raised objection by representation before the Jalpaiguri Zilla Parishad on 10th September 2021 and alleges that the said representation has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the allegation made by the petitioner in the writ petition.

The Inspector-in-Charge, Maynaguri Police Station has given instruction to the learned advocate for the State that there is a long standing dispute between the parties with regard to the possession of the land in question.

The petitioner and the private respondent are relatives.

The private respondent has also lodged a complaint before the Sub-Divisional Magistrate, Sadar, Jalpaiguri which is pending consideration till date.

From the submissions made on behalf of the parties, it appears that there is a dispute with regard to the title and possession of the property in question. The same cannot be decided by any other authority but the competent Court having jurisdiction.

As regards the allegations of illegal and unauthorized construction, the Jalpaiguri Zilla Parishad shall take necessary steps to consider the representation filed by the petitioner, strictly in accordance with law, after giving a reasonable opportunity of hearing to all the concerned parties and pass a reasoned order. Steps shall be taken to ensure that no illegal construction is being made in the premises in question by any person. The Jalpaiguri Zilla Parishad shall take steps at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The petitioner is directed to forward a copy of the representation filed by him before the Jalpaiguri Zilla Parishad to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition is disposed of.

Instruction given by the Inspector-in-Charge, Maynaguri Police Station dated 28th February, 2022 be retained with the records.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)