

Item No. 10
24.01.2023
Court. No. 19
GB

W.P.A. 616 of 2023

Hasanur Alam
VS
The State of West Bengal & Ors.

Mr. Manas Kumar Das

...for the Petitioner.

*Mr. Sudipto Panda,
Ms. Munmun Tewary*

...for the State.

Md. Hafiz Ali

...for the Respondent No.9.

The petitioner alleges that the respondent no.9 has started raising a construction on Plot No.533 of Mouza-Kharinda which has been classified as 'Pukur'. According to the petitioner, an objection was raised before the authorities including the Talgram gram panchayat, but no steps have been taken by the authorities to stop the same.

It also appears from the records that the panchayat authorities had asked the respondent no.9 to attend the office of the gram panchayat with regard to such issue.

The learned advocate for the respondent no.9 denies the allegation. It is submitted that the petitioner and the respondent no.9 are cousins and they are also co-sharers in respect of the pond. It is further submitted that there is a longstanding family dispute between the parties over the use and enjoyment of the said 'Pukur'. One of the co-sharers had approached the Block Land and Land Reforms Officer, Bharatpur-I, indicating that the pond had not been cleaned

and restored for a long time and due to deposition of silt, substantial portion of the pond has been covered with dirt and earth. Allegation of illegal filling up of the pond has been denied.

The writ petition is disposed of restraining the respondent no.9 from raising any construction on the said pond. The authority shall ensure that no construction takes place on the said pond situated at Plot No.533 of Mouza-Kharinda. If any unauthorized construction is found, the Talgram gram panchayat, shall act and proceed in accordance with law and take necessary steps under Section 23(5) of the West Bengal Panchayat Act, 1973 upon making an inspection and granting an opportunity to the parties to represent their respective cases.

A reasoned order will be passed and communicated to all. The entire exercise shall be completed within a period of twelve weeks from date.

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.)