

08.02.2023
Court No. 19
Item No.37
CP

WPA No. 66 of 2020

Sri Alok Giri
Vs.
The State of West Bengal & Ors.

Mr. Rudra Dev Bagchi
Mr. Subhajit Chatterjee
Mr. Mrinal Kanti Biswas

....for the petitioner.

Mr. Susanta Pal
Ms. Ananya Neogi

....for the State.

Mr. Amal Krishna Saha
Mr. Souvik Sarkar

...for the respondent nos. 10 to 13.

The petitioner has given up the reliefs claimed under prayers a) & b) of the writ petition. The petitioner restricts the writ petition to the allegation of unauthorized construction of a latrine and a shop room by the respondent nos. 10 to 13. The allegation is that such construction was raised on Plot Nos. 2991 and 2992 of Mouza – Depal, corresponding to Khatian No. 275, falling within the jurisdiction of Depal Gram Panchayat.

Mr. Saha, learned advocate appearing for the respondent nos. 10 to 13, has handed over a copy of the permission granted by the Pradhan, Depal Gram Panchayat on August 24, 2010. Such permission was given for erection of a structure/building on Plot Nos. 2991 and 2992.

Under such circumstances, the allegation of the petitioner that the construction was without any permission is, prima facie, proven to be incorrect.

The issue with regard to encroachment into the petitioner's land has to be decided in a civil suit. The petitioner is at liberty to approach the civil court for necessary reliefs.

The petitioner may approach the panchayat authorities to ascertain whether the copy of the permission handed over in court today by the respondent nos. 10 to 13, had been issued by the concerned gram panchayat or not. If the permission was issued and the construction was in accordance with such permission, no further steps shall be taken.

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.)