

S/L 30
16.01.2023
Court. No. 19
GB

W.P.A. 671 of 2023

Sachindra Nath Naskar
VS
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

...for the Petitioner.

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

...for the State.

Upon perusal of the order passed by the Block Development Officer, it appears that an enquiry had been made and the authority had come to a finding that a permission had been granted for the alleged construction. The Block Development Officer embarked upon such enquiry on the direction of the Court. This was a mere fact finding exercise and as such there is no scope to interfere with the order.

The prayers in the writ petition for demolition of the structure cannot be allowed in view of the fact that the report of the Block Development Officer indicates that the panchayat authorities had sanctioned a plan in favour of the respondent Nos. 9 to 13 by way of a resolution adopted by the body of the gram panchayat in its meeting on August 6, 2021. The petitioner submits that such permission could not have been granted at the relevant point of time when a title suit was pending and an order of status quo was subsisting. The panchayat authorities were aware of the pending

litigation. Such permission was granted in violation of the rules. Hence demolition is being prayed for.

The petitioner neither approached the Court nor the authority, with a prayer for cancellation of the sanction.

The petitioner may file an appropriate application in accordance with law.

It is made clear that if there is still a subsisting order of status quo, no construction can be permitted. Moreover, the petitioner is also at liberty to approach the civil court with his allegation of construction in violation of the order of status quo.

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.)