

14.3.2023
Ct.19/sl.4
sn

W.P.A. 3196 of 2023

Arun Chandra Mahali

Vs.

The State of West Bengal & Ors.

Mr. Jayanta Mitra

..for the petitioner

Mr. Santanu Kumar Mitra

Mr. Subhabrata Das

..for the State

Mr. P.K.Khanra

Mr. Uttam Banerjee

Mr. Somnath Khanra

..for the respdts.8&9

Liberty is granted to the learned advocate on record for the petitioner to correct the cause title.

The foundation of the writ petition is based on obstruction created by Dugal Mahato and Banshidhar Mahato, when the petitioner tried to take possession of his land. The land was settled in favour of the petitioner allegedly by a patta. The petitioner approached the authorities including the Pradhan of Sukurhutu Gram Panchayat with such allegation. The police authorities were also approached and they have filed a report. A prayer has been made before the Learned CJM seeking permission to file prosecution under Section 506 of the Indian Penal Code.

It appears that there is a dispute between the petitioner and the respondent nos.8&9 with regard to possession of the land in question.

The contention of the petitioner is that the report sent to the authorities also indicates that the dispute is with regard to the alleged wrongful restraint caused to the petitioner from enjoying his own land. Thus, the dispute does not reflect that there has been any inaction on the part of the panchayat authorities.

The petitioner is at liberty to approach the appropriate forum in accordance with law. However, if in future, the respondent nos.8&9 attempt to construct on the said land either without permission or sanction, the petitioner will be at liberty to approach the panchayat authorities in accordance with law.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)