

16.3.2023  
Ct.19/sl.27  
sn

**W.P.A. 3377 of 2023**

**Dipak Kumar Choudhury**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Lal Ratan Mondal

Mr. Dilip Kumar Sadhu

..for the petitioner

Mr. Naba Kumar Das

Mr. Subhabrata Das

..for the State

Mr. Gour Baran Sau

Mr. Ashad Hussain

..for the respdts.8-10

The petitioner has alleged that the respondent nos. 8 to 10 had raised an unauthorized construction on LR plot no. 1532 of mouza Sripur.

The allegation is that the land has not been converted from 'Bagan' to 'Bastu'. Further allegation is that in violation of the order of status quo passed in Title Suit No. 92 of 2022 by the learned Civil Judge, Senior Division, Purba Bardhaman, such construction was being raised.

Learned advocate for the respondent nos. 8 to 10 has handed over an order passed by the District Land & Land Reforms Officer dated April 18, 2022 which indicates that the conversion from 'Bagan' to "Dokan" had been allowed in respect of LR plot no.1532, Khatian no. 501 to the extent of the share of the respondent nos. 8 to 10. Further contention is that the respondent nos. 8 to 10 have transferred the

alleged property in favour of their sons. Three such conversion certificates have been produced before the Court. Three copies of the sanction plan issued by the Pradhan of Eruar Gram Panchayat have also been filed in Court. It appears that single storeyed constructions had been permitted by the gram panchayat. The seal and signature of the Pradhan are present in the documents. However, no date has been mentioned.

Under such circumstances, nothing further remains to be decided in this writ petition.

The petitioner is at liberty to approach the civil court for necessary orders. It appears that an application for police help to implement the order of status quo has already been filed. It further appears that an Advocate Commissioner was appointed under Order 39 Rule 7 of the Code of Civil Procedure for local inspection. A report has been submitted before the learned court below.

The petitioner is granted liberty to seek clarification from the Eruar Gram Panchayat with regard to the genuineness of the plans which have been submitted before this Court. If such approach is made, the Eruar gram panchayat shall intimate the petitioner the resolutions of the gram panchayat and the date of such resolutions on the basis of which the

plans had been sanctioned in favour of the respondents or their sons.

This order shall not have any impact on the pending civil suit.

The intimation by the Pradhan with regard to the sanction of the plan shall reach the petitioner within a week from the date of receipt of the petitioner's representation. Thereafter the parties are at liberty to proceed according to 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.)**