

23.03.2023
Court No. 19
Item no.77
CP

WPA No. 4198 of 2023

Rashid Molla & anr.
Vs.
The State of West Bengal & Ors.

Mr. Soujanya Bandyopadhyay

.....for the petitioners.

Mr. Mohinoor Rahaman
Mr. Sk. Abu Mosa
Ms. Maria Rahaman
Ms. Jora Rahaman

....for the respondent nos. 6 & 7.

Mr. A. Mondal
Ms. Srilekha Bhattacharyya

.....for the State.

The petitioners allege that respondent nos. 6 and 7 have been raising an unauthorised construction on an unpartitioned land without any permission from the panchayat authorities. Such construction is being carried on at Plot Nos. 371 and 373 under Mouza – Swetpur. According to the petitioner, the land has been classified as ‘Danga’ and no conversion was obtained.

Learned advocate for the respondent nos. 6 and 7 submitted that on the basis of a permission granted by the Pifa Gram Panchayat sometime in 2005 a construction had been raised but no new construction, as alleged, has been made.

Permission which was granted by the concerned gram panchayat, has been produced before the court. It appears that the respondents had been granted permission in 2005 to make certain constructions on Plot Nos. 371 and 373. However, the contention of the petitioners is that recently, construction has commenced without any permission.

The writ petition is disposed of with a direction upon the Pifa Gram Panchayat to enquire into the matter and ascertain whether new constructions beyond the sanction which had been granted in 2005, had been raised on Plot Nos. 371 and 373 under Mouza – Swetpur.

An inspection shall be made prior to any decision. A report of such inspection shall be prepared. Such report shall be handed over to the parties.

If it is found that recently constructions have been made without any permission, in that event necessary steps shall be taken, in accordance with law.

The court has not gone into the merits of the claims.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the concerned gram panchayat for necessary compliance of this order.

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.)