

WPA 4942 of 2022

Sourabh Maity
Vs.
The State of W. B. & Ors.

Mr. Pratip Kr. Chatterjee
Mr. Masud Mallick ...for the petitioner.

Mr. Ayan Banerjee ...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the Pradhan, Bathuary Gram Panchayat, the 10th respondent herein, despite service.

Written instruction submitted on behalf of the State respondents is also taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner's father gifted a portion of the plot in question in favour of the 10th respondent and the remaining portion of the plot was gifted to the petitioner and his brother by the said owner.

The petitioner complains that the 10th respondent has raised construction in the plot in question by encroaching upon the plot which was gifted to him and his brother by the erstwhile owner.

The petitioner prays for demarcation of the gifted portion of the plot by the State respondents in order to ascertain whether any construction has been raised by the 10th respondent on the plot in excess of the plot gifted to them.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to take necessary steps for demarcation of the plot in question gifted to the 10th respondent, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to take necessary steps for demarcation of the portion of the plot in question which was gifted to the Panchayat by the predecessor-in-interest of the petitioner in presence of the petitioner or his authorised representative within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The petitioner shall be at liberty to participate in the said demarcation with an Amin of his choice in addition to the Amin appointed by the respondents.

The demarcation report be handed over to the petitioner within a week thereof.

The petitioner shall also be at liberty to take necessary steps, in accordance with law, in the event it is found that the plot of the petitioner or any part thereof has been illegally encroached upon.

With the above directions the writ petition being WPA 4942 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)