

29.03.2023
Sl. No.21(DL)
srm

W.P.A. No. 6094 of 2023

Haradhan Halder

Vs.

The State of West Bengal & Ors.

Mr. Mahammad Mahmud

....for the Petitioner.

Ms. Sutapa Sanyal,
Mr. Anand Farmania

...for the State-respondents.

Affidavit-of-service is taken on record. The respondent No.6 has refused service. The postal article along with the postal endorsement, is filed in Court. The same is taken on record.

The petitioner alleges that the application for grant of permission to raise a construction on Plot No.291 within mouza Purba Durgapur under the Furfura Gram Panchayat, Hooghly, had not been considered. The petitioner claims title in respect of a portion of the said plot.

It appears that a title suit is pending between the petitioner and the respondent No.6 being Title Suit No.1 of 2021 and an order of *status quo* has been passed.

Under such circumstances, it would not be proper for the writ court to direct the panchayat authorities to grant permission to the petitioner for construction during the subsistence of an order of *status quo*. Until and unless the order of *status quo* is either varied or modified or clarified or set aside, the construction cannot be permitted over the land, which is the subject matter of a partition suit. This Court is not in a position to decide the issue. However, the parties are at liberty to approach the civil court for necessary orders.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)