

29.03.2023
Court No. 19
Item no.54
CP

W.P.A. No. 6760 of 2023
Dipali Mandal
Vs.
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

....for the petitioner.

Mr. Lalit Mohan Mahato
Mr. P. B. Mahata

....for the State.

Upon perusal of the pleadings in the writ petition this court finds that this proceeding is for declaration of the right, title and interest of the petitioner in respect of Dag Nos. 672 and 891 of Mouza – Amtala and for removal of encroachment therefrom. Neither the writ court nor the panchayat authorities are empowered by law to adjudicate the dispute. Although, the petitioner submits that the panchayat authorities are duty bound to dispose of the objection raised by the petitioner with regard to the activities of the respondent nos. 6 & 7. This court finds that the objection relates to encroachment and forcible occupation of the land.

The pradhan cannot decide whether the respondent nos. 6 & 7 had constructed a road over the land of the petitioner and also cannot pass

necessary orders for removal of the road and use of the same by the respondent nos. 6 & 7.

Under such circumstances, no orders can be passed in the writ petition. The writ petition is dismissed.

However, the liberty of the petitioner to approach the civil court, is kept open.

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.)