

M/L 447
25.01.2023
Court. No. 19
GB

W.P.A. 6982 of 2022

Samsuddin Sarkar
VS
The State of West Bengal & Ors.

Mr. Indrajit Mandal,
Ms. Indrani Pal

...for the Petitioner.

Mr. Tarun Kumar Ghosh,
Mrs. Rupsha Chakraborty

...for the State.

The dispute involved in the writ petition, prima facie, appears to be private in nature. The petitioner is aggrieved by the inaction of the panchayat authorities in taking steps against the respondent nos.7 to 23 who were allegedly constructing a road on the petitioner's land.

According to the petitioner, the miscreants had also cut down valuable trees standing on the said land. In order to assert his title, the petitioner refers to a deed of sale and a deed of gift.

The above disputes cannot be decided either by this Court or by the panchayat authorities. The allegation is that the respondent nos.7 to 23 had acted in a manner which had adversely affected the right, title and interest of the petitioner and had clouded the petitioner's title in respect of the said land. That is a civil dispute. The petitioner is at liberty to approach the civil court in accordance with law.

The petitioner will be at liberty to approach the appropriate authority for necessary action in respect of the

allegation of illegal cutting down and theft of trees. If such complaint is filed, the same shall be disposed of in accordance with law.

The petitioner is granted further liberty to approach the Block Development Officer Gangarampur, by filing a representation with regard to the grievance that the villagers had been committing public nuisance by encroaching a private land in order to construct a village road, although they had not been granted any permission to construct a road. If such representation is filed, the same shall be disposed of in accordance with law and a reasoned order shall be passed and communicated to all.

However, if the authority finds that there is a dispute with regard to the right, title and possession of the petitioner and the respondent nos.7 to 23, raise an alternative claim over the land or if the said land is found to be recorded in the name of a government department, such facts shall be disclosed in the order and the matter would be disposed of accordingly, but without any interference. The order shall be communicated to the petitioner.

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.)