

18.04.2023
Court No. 19
Item no.17
CP/SB

WPA No. 8673 of 2023

Ramen Naskar

Vs

The State of West Bengal & Ors.

Md. Sarwar Jahan

Mr. Maidul Islam Kayal

Mr. Sumit Naskar

... for the Petitioner.

Mr. Debraj Sahu

... for the State.

Mr. Rudranil De

Mr. Prabir Banerjee

....for the respondent nos. 11 to 13.

The petitioner alleges that the respondent nos. 11 to 13 had raised a construction on Dag No. 1084 of Mouza – Ashuti, J.L. No. 29, without any permission from the panchayat authorities and by filling up a ‘doba’.

The police authorities had conducted an enquiry and found that no construction had been made on the disputed land. Further, the police authorities also found that a civil suit is pending before the learned Civil Judge (Senior Division), Alipore being Title Suit No. 1181 of 2022. The said suit is for declaration, partition and permanent injunction.

As the enquiry revealed that there was no construction on a doba and there are no constructions at all, the court does not deem it fit to direct the panchayat authorities to take steps at this stage.

Instead, the petitioner is granted liberty to approach the Block Land and Land Reforms Officer, Thakurpukur Metiabruz Block with the allegation of illegal construction. If such application is filed, the same shall be disposed of in accordance with law upon granting an opportunity of hearing to all. A reasoned order shall be passed.

Once the authority decides the issue and if it is found that there is a construction without any permission from the panchayat authorities on the alleged doba, the matter shall be referred to the panchayat authorities for necessary consideration in accordance with law and for necessary steps in respect of the structure. Rules of natural justice will be followed. The authority shall also act in terms of the provision of West Bengal Land Reforms Act, 1955.

The Court has not gone into the merits of the allegation levelled against the respondents.

Accordingly, the writ petition is disposed of. However, there will be no order as to costs.

As no affidavits are called for, the allegations are deemed to have been denied.

All the parties are directed to act on the basis of server copy of this order.

(Shampa Sarkar, J.)