

April 25, 2023
Sl. No.19
Court No.19
s.biswas

WPA 8921 of 2023
Shyam Sunder Ghosh
vs.
The State of West Bengal and others

Mr. Abir Lal Chakraborty,
Mr. Anindya Sundar Das, Advocates
... for the petitioner
Mr. Jaharlal De,
Mr. Shamim Ul Bari, Advocates
... for the State
Mr. Dilip Kumar Sadhu, Advocate
... for the respondent No.6
Mr. Lal Ratan Mondal,
Mr. Subhasis Pal, Advocates
... for the respondent Nos.9 to 11

The writ petition is not maintainable, as the petition is not in the form.

The petitioner is aggrieved by the order passed by Pradhan, Kotulpur Gram Panchayat. The petitioner alleged before this Court that the respondent Nos.9 to 11 had raised unauthorized construction on L.R. Plot Nos.1032, 1033, corresponding to Khatian No.293 of Mouza-Moidara.

The petitioner claimed to be one of the sebaits in respect of the property. The property is a debuttar property. The property is undivided and there are many co-sharers.

A writ petition being WPA 19789 of 2019 had been disposed of by this Court directing the gram panchayat to dispose of the petitioner's representation with regard to the allegation of unauthorized construction.

The order passed by the panchayat authorities dated June 14, 2022, has been challenged in this writ petition. The petitioner contends that the respondent Nos.9 to 11 had raised a G+2 storeyed building and the panchayat authorities had not given any sanction in respect of such construction.

It is submitted that the height of the building is more than 6.5 metres and plinth is more than 1.50 sq. metres.

From the order impugned, it appears that the petitioner had filed the representation, requesting the gram panchayat to demarcate the respective shares of the parties. Learned counsel for the petitioner submits that the said representation was not happily drafted. The petitioner had actually challenged the illegality in the construction of an existing three storeyed building.

Learned counsel for the respondents have handed over the documents which indicate that a plan had been approved by the Kotulpur Gram Panchayat permitting two floors namely ground and first floor on plot nos.1032 and 1033. Such permission was given sometime in July, 2017. The documents filed by the learned advocate for the respondents is taken on record. The record of rights indicate that the lands have been classified as Bastu.

Under such circumstances, this Court cannot entertain the writ petition.

However, if the respondent Nos. 9 to 11 have raised a construction beyond the sanction plan, in that event, the petitioner is at liberty to approach the appropriate permission granting authority against such alleged illegal construction.

If such objection is filed, the same shall be disposed of in accordance with law.

Accordingly, 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 server copy of this order.

(Shampa Sarkar, J.)