

23.02.2023
Court No. 19
Item No.08
CP

W.P.A. No. 8877 of 2022

Anup Barai

Vs.

The State of West Bengal & Ors.

Mr. Salil Kr. Maiti
Ms. Malabika Roy
Ms. Pinki Saha

....for the petitioner.

Mr. Biswajit De
Ms. Rajlakshmi Ghatak

....for the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

....for the respondent no. 9.

The petitioner alleges that the respondent no. 9 has raised an unauthorized construction on an undivided property being Dag No. 51 which is classified as 'Kala'.

Mr. Biswas, learned advocate appearing on behalf of the respondent no. 9, denies such allegation. Some documents have been handed over to the court indicating that application and fees for permission to construct a house had been deposited and, accordingly, a permission was granted on the basis of the application dated January 8, 2021 vide a resolution adopted by the Natshal-II Gram Panchayat in a meeting dated January 15, 2021.

It appears that the permission has been granted to erect a single storeyed building (ground floor) on Plot No. 51 corresponding to Khatian No. 1170 of Mouza – Purba Srirampur, J.L No. 155.

Thus, the allegation that the construction has been made without any sanction does not, prima facie, appear to be correct. The documents filed by the respondent no. 9 speak otherwise.

The writ petition is disposed of with a liberty to the petitioner to approach the concerned gram panchayat for supply of necessary information as to whether permission was granted by the said gram panchayat vide a resolution adopted in a meeting dated January 15, 2021, to Mr. Rangalal Barai to construct on Plot No. 51 corresponding to Khatian No. 1170 of Mouza – Purba Srirampur.

A copy of the said application shall be marked to the concerned Block Development Officer and the said authority shall ensure that the concerned gram panchayat intimates the petitioner about such query raised. The answer will reach the petitioner within two months from receipt of the petitioner's query.

If the respondent no. 9 is found to have constructed in violation of any permission, necessary steps shall be taken in accordance with law by the authority.

The rest of the issues between the parties which are the subject matters of the suits, have not been decided and the suits shall proceed in accordance with law.

The court has not gone into the merits of the claims and the counter claims of the parties and the parties are at liberty to raise all disputes before the appropriate authority/forum at the appropriate stage.

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 the server copy of this order.

(Shampa Sarkar, J.)