

Item No.8
28.04.2023
Court. No. 19
GB

WPA 9941 of 2023
With
CAN 1 of 2023

Ratan Mondal
Vs
The State of West Bengal & Ors.

*Mr. Biswabrata Basu Mallick,
Mr. K.M. Hossain*

...for Petitioner.

Mr. Tapash Kr. Mondal

...for the Zilla Parishad.

*Mr. Sounak Bhattacharya,
Mr. Chandranath Mondal,
Mr. Sounak Mondal,
Mr. Abhirum Haldar,
Mr. Arindam Saha Roy*

...for the Intervenor.

The petitioner applied for sanction of a building plan before the South 24 Parganas Zilla Parishad. The alleged construction is proposed to be on L.R. Dag No.2 under Sahajadapur Gram Panchayat.

It appears that the gram panchayat had already sanctioned the ground floor and the first floor. It appears that the area of each of the floors is 3504 sq. ft. It also appears that a partition suit is pending being Title Suit No.316 of 2021 before the learned Civil Judge (Senior Division), 2nd Court at Baruipur.

Mr. Bhattacharya, learned advocate for one of the co-sharers seeks to intervene in this proceeding and submits that there is already an order passed by this Court in WPA 9618 of 2023 whereby the Court had directed the Zilla Parishad to determine whether there has been any

unauthorized construction on L.R. Dag Nos.2, 3 and 4 corresponding to L.R. Khatian No.560/1 of Mouza-Sherhangampur. Mr. Bhattacharya submits that the Zilla Parishad did not have any authority to grant post facto approval in respect of a construction which was illegally sanctioned by the gram panchayat.

The issues which have been raised herein can be decided by the Zilla Parishad is the same proceeding to be initiated on the basis of the order passed by this Court in WPA 9941 of 2023. A decision shall be arrived at in accordance with. All points raised by the parties in this writ petition shall also be decided and the documents to be supplied by each of the parties shall also be gone into and considered while disposing of the entire matter on the basis of the earlier order as also the order passed in this writ petition.

The Court has not gone into the merits of the allegations and counter-allegations and the dispute shall be decided strictly on the basis of the applicable law, the building rules and orders passed in the civil suit.

The intervenor, namely, Angshuman Mondal, who is the applicant in CAN 1 of 2023 and represented by Mr. Bhattacharya, be added as a respondent here and now.

CAN 1 of 2023 is allowed and disposed of .

A copy of the writ petition be served upon Mr. Bhattacharya.

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.)