

07.02.2023
Sl. No.7(DL)
srm

W.P.A. No. 10458 of 2022

Binoy Ranjan Mandal

Versus

The State of West Bengal & Ors.

Mr. Partha Sarathi Mondal

...for the Petitioner.

Mr. Himadri Sikher Chakraborty,
Mrs. Sunita Saha

...for the State-respondents.

Mr. Tapodit Gupta

...for the Respondent No.6.

Having perused the police report, it appears that the construction of the respondent No.6 on LR Dag No.837 of mouza Amrabati was under a government housing scheme. However, the correctness of the statement cannot be accepted in totality, as such information was given to the police authorities by the villagers. Thus, the petitioner is at liberty to approach the Pradhan, Frezerganj Gram Panchayat, District-South 24-Parganas for information as to whether the construction of the respondent No.6 on LR Dag No.837 of mouza Amrabati was under any government housing scheme or not.

It is a settled-position of law that permission from the panchayat authorities would not be required for any

construction under any housing scheme of the government. However, if such construction is not found to be under any government housing scheme and was raised without any permission, in that event the panchayat authorities shall act and proceed in accordance with law, upon granting an opportunity of hearing to all the parties including the respondent No.6. If the construction was illegal or unauthorized, necessary steps shall be taken by complying with Section 23(5) of the Panchayat Act. Right, title and interest of the parties, shall not be decided. However, if the construction is under a government housing scheme and the petitioner claims title in respect of the land on which such construction was raised, the proper remedy of the petitioner would be before a civil court as the respondent No.6 had been in possession of such land since long.

The question of right, title and interest shall not be gone into by the gram panchayat.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)