

Item No.52

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.10.2023
Ct-24

WPA 11903 of 2023
Madan Mohan Pal

v.

The State of West Bengal & Ors.

Ms. Aparajita Mondal
... for the petitioner.

Mr. Jahar Lal Roy
Ms. Kavita Rani
... for the respondent no. 9.

The petitioner is aggrieved by the act of the Panchayat in not permitting him to raise construction in accordance with the permission granted in April 2023.

It appears that on repeated occasions the Panchayat conducted hearing of the parties to arrive at an amicable settlement but the same failed.

Learned advocate representing the private respondent no. 9 submits, upon instruction that, the land in question where the petitioner intends to raise construction does not belong to him. The private respondent is the owner of the said land by virtue of the registered deed.

It appears from the submissions made on behalf of both the parties that an issue has been raised with regard to the title and ownership of the land where the construction is sought to be made.

Neither the writ Court nor the Panchayat will be the appropriate authority to decide the dispute with regard to title and ownership of the property.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

It will be open for the parties to approach the appropriate forum for declaration of right in respect of the plot of land where construction is sought to be made.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)