

Item No.61

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.12.2023
Ct-24

WPA 12245 of 2023
Supriti Bera

v.

The State of West Bengal & Ors.

Mr. Hare Krishna Haldar
Mr. Debasis Sur
Mr. Angshuman Patra
Mr. Himadri Sekhar Paul
... for the petitioner.

Mr. Lutful Haque
Mr. Sk. Mustak Ali
... for the respondent nos. 5 & 6.

Mr. Amartya Pal
... for the State.

The petitioner complains that objection filed against unauthorized construction at the behest of the private respondents is yet to be considered and disposed of by the Gram Panchayat.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that construction has been made strictly in accordance with the plan sanctioned by the Gram Panchayat.

It has further been submitted that though the petitioner seeks for a direction upon the Panchayat Authority to consider his representation alleging unauthorized construction, but there is no averment or prayer in support of the submission made in Court today.

The Court has perused the averments and the prayers made in the writ petition.

The petitioner has prayed for an order upon the respondents to show cause as to why the registered deed in respect of plot in question should not be set aside or quashed.

Prayer has also been made for restraining the private respondents not to stand in the way of the ingress and egress of the plot of the petitioner.

A further prayer is to conduct a survey and not to disturb the peaceful possession of the petitioner.

On a perusal of the prayers and the averments made in the writ petition it appears that the said prayers cannot be allowed by the writ Court. The submission and prayer made in Court and the averments made in the writ petition are completely different.

In the event, the petitioner has any allegation with regard to unauthorized construction, then it will be open for the petitioner to raise proper grievance before the concerned authority.

The writ petition stands disposed of.

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.)