

April 24, 2023
Sl. No.3
Court No.19
s.biswas

WPA 13541 of 2022

Makhlufar Rahaman Gazi
vs.
The State of West Bengal and others

Mr. Sudarshan Ghosh, Advocate
... for the petitioner
Mr. Susanta Pal,
Ms. Ananya Neogi, Advocates
... for the State
Mr. Tapash Kr. Mondal, Advocate
... for the South 24 Parganas Zilla Parishad
Md. Sarar Jahan,
Mr. Shahjad Noor Thader, Advocates
... for the respondent No.10

Upon perusal of the report of the Block Land and Land Reforms Officer, Joynagar-II, District South 24 Parganas, this Court is of the view that Plot Nos.249 and 250, Mouza-Kgaubari, must be demarcated first. The PWD road from Piyor More to Dhaki, shall also be demarcated.

The petitioners, the respondent No.10, the Pradhan of the Monirtat Gram Panchayat and the Block Development Officer, Joynagar-II Development Block, shall be present during demarcation. If necessary, the PWD authority shall also be called for assistance in order to identify the PWD road.

After such demarcation is complete, the Block Land and Land Reforms Officer, Joynagar-II, South 24 Parganas, shall prepare a report and serve the same to the parties. Such report shall categorically indicate whether a two storeyed building exists on

the said plots or not. If it is found that there is existence of a two storeyed structure, the petitioner is at liberty to approach the appropriate permission granting authority for necessary action in accordance with law. The height and plinth area of the construction, if any, shall determine who would be the permission granting authority.

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 server copy of this order.

(Shampa Sarkar, J.)