

18.04.2023
Court No. 19
Item 113
CP

WPA No. 14607 of 2022

Subimal Santra & anr.
Vs
The State of West Bengal & Ors.

Mr. Radhasyam Maity
Mr. Manaranjan Jana
... for the Petitioners.

Mr. Raja Saha
Mr. S.P. Lahiri
... for the State.

Mr. Partha Sarathi Mondal
...for the respondent nos. 8 to 10.

The petitioner alleges that while deciding a private dispute between the petitioners and the respondent nos. 8 to 10, the Pradhan of Lakshmijanardanpur Gram Panchayat had declared a registered deed of gift (Registered Deed No. 825 dated 06.02.1982) to be null and void.

Learned advocate for the respondent nos. 8 to 10 submits that there were disputes with regard to the right, title and interest of the petitioners and the said respondents in respect of Plot No. 1359 of Mouza – Kedarpur, J.L. No. 65 and as such, the said respondents approached the gram panchayat for a solution. The gram panchayat asked the parties to appear at a meeting. Upon hearing the parties, the impugned order was passed. It is further submitted that the petitioners did not raise any objection when

such decision was taken, but has now approached the writ court challenging the said decision.

Having heard the learned advocates for the respective parties, this court is of the view that the order passed by the pradhan is totally without jurisdiction. The pradhan did not have any authority under the law to either decide the issue of title or the validity of the registered deed of gift.

The resolution of the gram panchayat dated June 8, 2022 being Annexure – P/5 of the writ petition, is set aside and cancelled.

The right, title and ownership of the Plot Nos. 1358, 1359 of Mouza – Kedarpur, could not have been decided by the gram panchayat.

If the respondent nos. 8 to 10 deny the right, title and interest of the petitioners in respect of any of the plots in question, their remedy is before the learned civil court for necessary declaration and injunction, subject to the law of limitation.

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.)