

19.04.2023
Sl. No.114(ML)
srm

W.P.A. No. 14841 of 2022

Pradip Naskar

Vs.

The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

....for the Petitioner.

Mr. Malay Singh,
Mr. Neelam Singh

...for the State-respondents.

Mr. Sabyasachi Mondal,
Mr. Sayan Mukherjee,
Ms. Payel Khanra

...for the Respondent No.7.

The petitioner alleges that the respondent No.7 raised a construction unauthorisedly on Plot No.225 of mouza Chandipur. Further allegation is that the said plot has been encroached by the respondent No.7.

The issue of encroachment, cannot be gone into in this writ petition. The petitioner is entitled to file a civil suit and ask for proper relief, in accordance with law. The panchayat authorities will also not look into the issue of encroachment.

The petitioner has not been able to substantiate the allegation of unauthorised construction by the respondent

No.7, apart from relying on an information received under the Right to Information Act.

The representation made by the petitioner mentions incorrect dag numbers and mouzas.

Thus, no order can be passed in this writ petition.

However, the petitioner is at liberty to approach the panchayat authorities with proper particulars and specifications of alleged illegalities in respect of the construction of the respondent No.7. If such approach is made, the same shall be disposed of in accordance with law. Consequential steps shall be taken in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

The entire exercise shall be completed within a period of three months from the date of receipt of the petitioner's representation.

The writ petition is 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.)