

Item No.248

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24
BP

WPA 15123 of 2023

Monoj Prasad
v.
The State of West Bengal & Ors.

Mr. Pankaj Halder
..for the petitioner

Mr. Wasim Ahmed
Mr. M. Snehaboddin
..for the State

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
..for the respondent nos. 10,
11 and 12

The petitioner is aggrieved by the construction of a Madrasah over land classified as 'shali'. The petitioner contends that the Madrasah was constructed without obtaining any sanction and without conversion of the classification of the nature of the land.

Learned advocate representing the Madrasah authority submits, upon instruction that, construction was made by the Block Development Officer pursuant to the permission granted by the State respondents way back in the year 2013. Sanction was also granted by the Prodhan of the Gram Panchayat. It has been submitted that the Madrasah is functioning for nearly ten years by now.

Learned advocate for the petitioner disputes the aforesaid contention.

It has been submitted that a civil suit by and between the parties is pending consideration before the learned Civil Court.

Since the Prodhan already issued permission for raising construction and the Madrasah is functioning for the last ten years, this Court is not inclined to accept the contention of the petitioner alleging unauthorized construction.

It will be open for the parties to agitate all points before the learned civil forum.

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.

(Amrita Sinha, J.)