

April 19, 2023
Sl. No.A 143
Court No.19
s.biswas

WPA 15992 of 2022

Baby Mondal and another
vs.
The State of West Bengal and others

Ms. Pritha Bhaumik, Advocate
... for the petitioner
Mr. Biswajit De,
Ms. Rajlakshmi Ghatak, Advocates
... for the State

The petitioners allege that at the instigation of the respondent no.8, the panchayat authorities had tried to forcefully construct a road over the land of the petitioners.

A prayer has been made for a direction upon the gram panchayat to initiate proceedings for demolition and removal of such construction from L.R. Plot No.422/1212, L.R. Khatian No.352, J.L. No.8 of Mouza-Daibanjapole under Police Station-Deganga.

The petitioners had also approached the learned Sub-Divisional Magistrate, North 24 Parganas, under Section 144 (2) of the Code of Criminal Procedure, praying for initiation of proceedings on the self-same cause of action.

It appears from the petition which was filed before the learned Executive Magistrate, that the entire allegation was against the alleged encroachment by the respondent no.8.

From the pleadings, it appears that the dispute is over enjoyment of land and purely private in nature.

The Block Development Officer, Debang Development Block, has filed some documents along with a report prepared by the Pradhan, Sohail Swetpur Gram Panchayat.

It appears from the said letter that the gram panchayat did not construct any road on the land of daughters of Vishwanath Maiti, namely, the petitioners. The panchayat authorities will not interfere in the matter on behalf of either party.

Under such circumstances, the remedy of the petitioners would be before a civil court.

The Writ Court cannot adjudicate the title of the petitioners, nor can an order of recovery of khas possession be passed in this case.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Parties are to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)