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06.12.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 16425 of 2023

**Golapi Bauri & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Kumar Roy,
Mr. Tirthojit Roy Chowdhury.
...For the Petitioners.**

**Mr. Santanu Mitra,
Mr. Arindam Mitra.
...For the State.**

**Mr. Moni Sarkar Chowdhury.
...For the Respondent No.5.**

The petitioner complains that the private respondent has raised a tin shed structure with brick walls without obtaining any sanction from the Panchayat.

Learned advocate appearing for the private respondent submits that the construction in question is in existence for a considerable period of time and there is no requirement of obtaining any permission for raising a tin shed structure.

None represents the Panchayat authority.

Learned advocate appearing for the State respondents has received instruction from the Officer-in-Charge, Santuri Police Station, District-Purulia which mentions that the site was inspected and it was

found that the private respondent was trying to construct a temporary mud house on the disputed plot. The police interfered and stopped the construction work. Prosecution under Section 107 Cr.P.C. was submitted against both the parties with direction to maintain peace and tranquility in the locality.

In the absence of the Panchayat, the Court is not in a position to adjudicate whether the construction complained of requires any sanction or not. Till the Panchayat ascertains the area of the structure and the nature of the construction, it will not be possible to ascertain as to whether permission will be required for raising construction.

The petitioners allege that brick walls have been constructed whereas the report of the police mentions about mud wall.

In view of the above, the Panchayat is directed to conduct a spot inspection upon prior notice to both the parties to ascertain the nature and extent of construction.

If it appears that the construction in question is being made contrary to the building rules, then necessary steps shall be taken by the Panchayat in accordance with law to deal with the same.

The matter shall be decided and concluded at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Report filed by the Officer-in-Charge, Santuri Police Station be retained with the records.

It is made clear that the entire issue in the writ petition concerns the allegation of unauthorized construction. The right, title and interest of the parties are neither decided nor under consideration in the instant writ petition.

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.)