

22.3.2023
Ct.19/sl.25
sn

W.P.A. 15536 of 2019

Tapan Naskar & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

..for the petitioners

Mr. Suvam Ghosh

Mr. S. Mullilck

..for the respondent no.6

The petitioners allege that the respondent no.6 had raised certain illegal constructions on dag no. 6627 of mouza Sonatickari, without any sanction from the Nolgara Gram Panchayat.

Learned advocate for the respondent no.6 hands over a report prepared by the Amin of Joynagar-II Block, addressed to the Block Land & Land Reforms Officer. The report indicates that a mud house with a thatched roof existed on the said plot and another room which was also a 'kachha' structure has been covered with plastic sheet. That the said respondent had been in possession since long. The report was filed in a proceeding initiated by the petitioners under Section 144(2) of the Code of Criminal Procedure. Such report was filed some time in 2019.

The respondent no.6 submits that till now, apart from those existing structures, no further

construction has been raised. Thus, the allegation of the petitioners is not accepted.

However, it is made clear that if the respondent no.6 wishes to raise any concrete or brick built structure, permission shall be taken. If the petitioners discover that a concrete or brick build structure was being raised without any permission, the petitioners would be at liberty to approach the Nolgara Gram Panchayat in accordance with law and the concerned gram panchayat shall act and proceed on the basis of such complaint upon affording an opportunity of hearing to the parties and a reasoned order shall be passed and communicated. Steps shall thereafter be taken in accordance with law.

The question of right, title and interest shall not be gone into.

The petitioners claim right, title and interest on the basis of purchase and the respondent no.6 claims that they have been in possession since long. Such issue shall be decided by the civil court.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)