

19.04.2023
Sl. No.196(ML)
srm

W.P.A. No. 17374 of 2022

Ibrahim Mallik

Versus

The State of West Bengal & Ors.

Mr. Keshab Chandra Das

....for the Petitioner.

Mr. Jahar Lal De,
Mr. Shamim ul Bari

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.7 to 10. Affidavit-of-service is taken on record.

From the representation filed by the petitioner before the Pradhan, Balarambati Gram Panchayat, Hooghly, it appears that the only grievance of the petitioner is forceful encroachment of his land by the respondent Nos.9 and 10. Neither the writ court nor the panchayat authorities can decide the title dispute. No order for declaration and recovery of '*khas*' possession can be passed by this Court. The panchayat authorities cannot be empowered by the writ court to decide issues which are not within the scope of the West Bengal Panchayat Act, 1973. The panchayat authorities can only determine the

question of unauthorised construction, but the allegation made in the writ petition cannot be decided by the panchayat authorities.

Hence, the writ petition is disposed of without any interference.

From the contentions of the petitioner, it appears that there is a dispute with regard to the right, title and interest over the plot of land in question. The petitioner is at liberty to approach the learned civil court for necessary orders as also for necessary preventive orders.

However, this order will not prevent the petitioner from approaching the panchayat authorities for information as to whether any permission for construction had been granted to the respondent Nos.9 and 10. If such query is made under the Right to Information Act, necessary information shall be supplied to the petitioner, strictly in accordance with law.

The writ petition is, thus, 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.)