

02.01.2023
Court No. 19
Item no.06
CP

W.P.A. No. 17989 of 2022

Swapan Deyati & ors.

Vs.

The State of West Bengal & Ors.

Mr. Bhagabat Chowdhury
Sk. Toslim Ali
Ms. Saba Parween

...for the petitioners.

Ms. Sima Adhikari
Ms. Kakali Naskar

....for the State.

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee

...for the respondent nos. 6 & 7.

The writ petition has been directed against inaction of the panchayat authorities. According to the petitioners, the panchayat authorities have not taken any steps to demolish the alleged multi-storeyed construction raised by the respondent nos. 6 and 7. It is submitted by the petitioners that without obtaining any conversion of the land from 'Sali' to 'Bastu' and without taking any permission from the permission granting authority, i.e. the Amta Gram Panchayat, such construction has been raised.

On the other hand, the learned advocate for the respondent nos. 6 and 7 has submitted documents which would show that the conversion of the land from 'Sali' to 'Bastu' has been permitted by the appropriate authority. The learned counsel

further submits that two civil suits are pending between the parties and in view of the order of injunction no construction has been raised at the instance of the respondent nos. 6 and 7. It is specifically submitted that there is no construction on the alleged land measuring about 34 decimals in L.R. Dag No. 4091 of Mouza – Amta, belonging to the said respondents. It is further submitted that an application for local inspection has also been filed in the pending suit in order to ascertain whether there has been any construction at the instance of the said respondents, on the plot in question.

Under such circumstances, the writ petition is disposed of granting liberty to the petitioners to pursue their remedies before the learned civil court. If it transpires during the proceedings before the civil court that there was already an existing construction without permission of the authorities, the petitioners shall be at liberty to take appropriate steps before the appropriate forum and also take appropriate steps before the learned civil court, in accordance with law.

It is made clear that construction cannot be permitted without sanction/permission from the appropriate permission granting authority.

The court has not gone into the merits of the allegation. The issues which are subject matter of the

civil suits have not been considered. The learned civil court shall proceed independently.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)