

02.05.2023
Sl. No.86(ML)
srm

W.P.A. No. 18067 of 2022

Shyamal Pal & Anr.

Versus

The State of West Bengal & Ors.

Mr. Raghunath Adhikary,
Ms. Priyanka Saha

....for the Petitioners.

Mr. Jahar Lal De,
Mr. Supratim Dhar

...for the State-respondents.

Mr. Achin Jana,
Mr. Suman Chakraborty,
Mr. Prosenjit Ghosh

...for the Respondent Nos.8 to 10.

Despite service, none appears on behalf of the respondent No.7 as also the panchayat authorities.

Affidavit-of-service is taken on record.

The issues with regard to the forceful encroachment of the land of the petitioners, failure of the vendor of the petitioners to handover vacant possession of the land purchased by the petitioners and the disturbance created by the respondent Nos.8 to 10 over the said land, are not to be decided by this Court. The panchayat authorities are also not empowered by law to decide the objections raised by the petitioners against the actions of the respondent Nos.7 to 10.

According to the petitioners, the respondent Nos.7 to 10 tried to dispossess the petitioners, by raising constructions on the disputed land.

The learned Advocate for the respondent Nos.8 to 10 submits that no construction had been raised by the said respondents and the entire pleadings would indicate that the writ petition is based on apprehension. Moreover, the allegations made by the petitioners are to be adjudicated by a civil court and not by a writ court.

Although, the Court does not deem it fit to entertain the writ petition, it is made clear that neither of the parties will raise any new construction without permission from the permission granting authority and strictly in accordance with law.

The petitioners will be at liberty to approach the learned civil court with their grievances.

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.)