

2.1.2023
Sl.No.17
Ct.19
sn

WPA 25555 of 2022

**Sk. Ikbal Hossain & Anr.
Vs.
The State of West Bengal & Ors.**

**Mr. S. Agarwal
Mr. Goutam Malik
..for the petitioners**

**Mr. Gopal Chandra Ghosh
Mr. Raj Krishna Mondal
..for the respondent no.3**

**Mr. Sk. Jayeed Hossain
..for the respondent nos.10-14**

**Mr. Prasanta Kumar Giri
..for the State**

The petitioners have made allegations against the respondent nos. 11 to 14 of having raised unauthorised construction on Dag no. 19 of mouza Sirajpur, which has been classified as 'Jal' .

Learned advocate for the panchayat authorities denies such allegation. According to Mr. Ghosh, permission had been granted for construction of a single storey building on Dag no. 19 to one Sk. Serafat Ali. The conversion of land from 'Sali to Bastu' was granted by the Block Land & Land Reforms Officer, Keshpur. A copy of the plan which was sanctioned has been produced before this Court.

Mr. Ghosh, further submits that upon being informed by the petitioners that an order of injunction had been passed in a civil suit with regard to self

same construction, the panchayat authorities asked the respondents to stop further construction.

Learned advocate for the respondent nos. 10 to 14 submits that the petitioners had filed a Title Suit alleging encroachment and claiming title over the land on which such construction was being raised. The title suit failed. Thereafter, another suit was filed, which is still pending.

This Court is of the view that the allegation of encroachment and the title dispute cannot be decided either by the writ court or by the panchayat authorities. The petitioner will be at liberty to approach the learned civil court if the order of injunction is violated.

The panchayat authorities shall ensure that no construction takes place, except in accordance with law and in accordance with the permission granted.

This writ petition is disposed of.

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

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

(Shampa Sarkar, J.)