

S/L 5
05.01.2023
Court. No. 19
GB

W.P.A. 25811 of 2022

Sk. Asikur Hossain
VS
The State of West Bengal & Ors.

Mr. Sudip Das.

...for the Petitioner.

*Mr. Manoj Malhotra,
Mr. Anand Farmania.*

...for the State.

Mr. Amiratalal Chatterjee.

...for the Respondent No.6.

Ms. Mekhla Sinha.

...for the Respondent Nos.8 to 13.

The Pradhan is present in Court. The Officer-in-Charge, Dhaniakhali Police Station has ensured such presence.

The allegation of the petitioner is that the respondent nos.8 to 13 had forcefully taken possession of L.R. Plot Nos.248, 249, 250 and 253 as also the western side of L.R. Plot No.285 and had started raising a construction. The primary allegation in the writ petition is with regard to the illegal encroachment. The petitioner claims title of the lands on the basis of a sale deed.

The police authorities submit that the land records do not reflect the name of the petitioner.

The learned advocates for the panchayat authorities and the respondent nos.8 to 13 submit that a small mud house had been built on the said lands and such construction is exempted from the applicability of Section 23 of the West Bengal Panchayat Act, 1973.

Having heard the learned advocates for the respective parties and having considered the averments made in the writ petition, this Court is of the view that the issue with regard to the illegal encroachment and the title dispute which has arisen, cannot be decided either by the writ Court or by the panchayat authorities.

The petitioner is at liberty to approach the appropriate civil court for necessary directions and orders. However, the panchayat authority shall be bound to ensure that no concrete construction or brick construction is carried out on the said plots without any permission from the authority.

Accordingly, the writ petition is disposed of.

Personal appearance is dispensed with.

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.)