

S/L 6
09.01.2023
Court. No. 19
GB

W.P.A. 27961 of 2022

Sk. Maniruddin
VS
The State of West Bengal & Ors.

*Mr. Fazi Faruque Hossain,
Ms. Chandra Paul.*

...for the Petitioner.

*Ms. Sipra Majumder,
Ms. Sangeeta Roy.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.6 and 8. As this Court is not inclined to pass any mandatory directions but is relegating the matter before authority empowered by law to deal with unauthorized construction, the writ petition is taken up and disposed of in their absence.

The petitioner alleges that the respondent no.8 during subsistence of an order of *status quo* passed by a competent civil court in Title Suit No.422 of 2019 has been raising a construction on Plot No.192 of Mouza-Shimulpukur.

It appears that an application for implementation of the order of *status quo* is also pending. The petitioner's grievance is that although the panchayat authorities were approached for information whether any sanction had been granted in respect of the said construction, the query was not answered. All that the petitioner wants to know is whether

the Basubati gram panchayat had sanctioned such construction or not.

The writ petition is disposed of with a direction upon the Basubati gram panchayat to intimate the petitioner whether the alleged construction of the respondent no.8 which is the subject matter of a civil suit, had been made with sanction or not. Such information shall be given to the petitioner within a period of two weeks from the date of communication of this order.

As there is a subsisting order of *status quo* passed by the learned civil court and an application for implementation of the same is also pending before the civil court, the allegation of the petitioner with regard to the violation of the order of the civil court has to be agitated before the concerned civil court and the learned civil court if approached by the petitioner, shall proceed with the hearing of the said application on contest and on its own merit.

This Court has not gone into the merits of the issue involved in the civil suit.

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.)