

23.11.2023
Sl. No.15
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 2504 of 2023

Simon Lepcha

Versus

The State of West Bengal & Ors.

Mr. Biplab Sengupta,
Mr. Alok Bhowmik,
Mr. Dulal Das

....for the Petitioner.

Mr. Subir Kumar Saha,
Mr. Pretom Das

.....for the State-respondents.

Despite service none appears on the behalf of the
respondent Nos.10 and 11.

This Court does not find any necessity to pass any
mandamus in terms of prayer 'a' of the writ petition as it
appears to the Court that by an order dated August 28,
2023 passed in WPA No.1540 of 2023 a learned coordinate
Bench had directed the Pradhan of Champasari Gram
Panchayat, Darjeeling to look into the allegation made by
one Joseph Chakraborty with the regard to the
construction of the petitioner. The petitioner claims that
Joseph Chakraborty is the adjacent land owner and had

also constructed unauthorizedly. It appears that the learned coordinate Bench had directed the Pradhan of Champasari Gram Panchayat to take into consideration the rival contentions of the parties which includes the petitioner.

Thus, the petitioner shall be at liberty to approach the Pradhan of Champasari Gram Panchayat with his allegations against the construction of Joseph Chakraborty and while disposing of the matter in compliance of the direction of the order dated August 28, 2023, the petitioner's complaint shall be considered and the petitioner shall be allowed to make necessary submissions before the Pradhan, Champasari Gram Panchayat. On the basis of the findings with regard to the petitioner's complaint as also the complaint of Joseph Chakraborty, necessary steps shall be taken in accordance with law.

The first portion of the prayer of the petitioner is addressed in such a manner.

The next prayer of the petitioner is for a direction upon the land authorities to take steps with regard to the cancellation of the 'patta' issued in favour of the respondent Nos.10 and 11. The writ court cannot grant such prayer.

Mr. Pretom Das, learned Advocate for the State-respondents has filed a report which indicates that Joseph Chakraborty had lodged a complaint with regard to the 'patta' granted to the petitioner and the matter has been forwarded by the Block Land and Land Reforms Officer, Matigara to the Sub-Divisional Officer, Siliguri, the prescribed authority under Section 49(2) of the West Bengal Land Reforms Act, 1955.

The petitioner is at liberty to approach the said authority with his grievances with regard to the 'patta' granted to Joseph Chakraborty and Jasbin Lepcha and the authority will take necessary steps in accordance with law.

This Court has not gone into the allegations and counter-allegations of the respective parties.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)