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14.05.2024
Court No. 35
D.Hira

WPA 12754 of 2023

**Jawaharlal Bhunia
Vs.
State of West Bengal & Ors.**

**Mr. Rafikull Islam Sardar.
... for the petitioner**

**Mr. Biswaroop Biswas,
Mr. Kamal Mishra,
Mr. PRatap Sangui,
Mr. Subhadeep Maitra.
... for the respondent
Nos.k 7 and 8**

**Mr. Uttam Kumar Bhattacharya.
... for the respondent
Nos. 2 & 3**

1. The writ petitioner is aggrieved that the private respondent nos. 7 and 8 has illegally made construction over the plot of land owned by the writ petitioner.
2. Connivance by the respondent no. 2/Zilla Parishad is also alleged that without proper authentication and enquiry, the respondent Zilla Parishad has approved the alleged plan of construction in favour of the said private respondents, over the property of the writ petitioner.
3. The facts necessary to be dealt with in this case, may be stated as follows:-
4. According to the writ petitioner, plots comprised within L.R. Dag Nos. 11400 and 11403 were purchased by him on July 8, 2015.
5. Since then the writ petitioner has been enjoying the right, title and interest over the said plot of land, as the owner thereof.

6. Allegedly in the year 2014, the said private respondent nos. 7 and 8, in connivance with the respondent Zilla Parishad, got their building plan sanctioned by the same illegally for a construction to be made over L.R. Plot No. 11403, owned by the writ petitioner.

7. Thus, the writ petitioner is aggrieved that the encroachment has been made as to the land and illegal construction has been made over there.

8. The writ petitioner has approached the authorities by dint of his letter dated May 10, 2023.

9. The writ petitioner seeks adequate redressal of his grievance in this case.

10. Mr. Biswas, learned counsel is appearing for the respondent nos. 7 and 8. He submits that the building has been constructed as per the plan duly sanctioned by the concerned Zilla Parishad/respondent no. 2.

11. He further submits that the present writ petition is hopelessly belated in so far as after the construction being completed in terms of the sanctioned building plan in the year 2014, the writ petitioner has frivolously come up with a vexatious claim in this writ petition in the year 2023.

12. He submits that the writ petition should be dismissed due to the delay made in preferring the same.

13. He has further submitted that dispute if any, between the parties relating to the landed property would be civil in nature and the writ Court would not be empowered to enter into the same and only an appropriate Civil Court may deal with such a civil dispute between the parties.

14. He has stated that the writ petition should be dismissed.

15. Mr. Uttam Kumar Bhattacharya, learned counsel is appearing for the respondent Zilla Parishad. He admits the fact that in the year 2014, the building plan has been sanctioned in favour of the respondent nos. 7 and 8 and the building has been constructed by them, in accordance with the said plan.

16. The Court has considered the submissions made on the records. There is no denial or challenge to the fact that the building plan were sanctioned back in the year 2014 and the building was made over the plot no. 11403 in 2014 itself.

17. The writ petitioner is however ventilating his grievance as regards illegal construction of the said building and also alleged encroachment by the respondent, over his part of property, vide his letter dated May 10, 2023 i.e., after nine years from the date of alleged illegal construction.

18. The delay as above, in moving for redressal of his grievance is fatal to the cause of the writ petitioner. There is no explanation offered by the writ petitioner as to what caused such inordinate delay for him to move the Court for redressal.

19. The Court has also considered that the grievance of the writ petitioner of encroachment by the private respondents into his plot of land, to be a dispute civil in nature, for which the Court would have no jurisdiction to enter into the merits thereof.

20. On consideration of the grounds as above, the writ petition is found meritless and liable to be dismissed.

21. Affidavit-of-service filed in Court today is taken on record.

22. On the premise as above, the writ petition being WPA 12754 of 2023 is dismissed.

23. Since no affidavits have been called for, the allegations made in the writ petition shall be deemed to have been denied by the respondents.

24. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)