

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 18485 of 2023

Pirottar Panch Pir Waqf Estate
represented by its President Nurul Islam
-versus
The State of West Bengal & Ors.

Mr. G. F. Hossain
Ms. Varsha Roy
Ms. Priyanka Mondal ...for the petitioner

Mr. K. Jaweed Yusuf, A.G.P.
Mr. Parikshit Goswami ...for the State

Mr. Smit Kr. Ray
Mr. Munshi Ashiq Elahi ...For the private respondents.

The petitioner alleges non consideration of the representation filed before the respondent authorities alleging unauthorized construction at the behest of the private respondents.

Learned advocate representing the private respondents submits, upon instruction that, permission for raising construction over Plot No. 880 at Mouza – Rudrani was allowed by the gram panchayat in the year 2004. Construction in question was raised in accordance with the plan sanctioned. No new construction has been raised at present.

At the time of submission, learned advocate representing both the parties submits that the issue is with regard to Waqf property. The private respondents deny the allegation of making any construction over Plot No. 878.

The present writ petition is only restricted to the issue of unauthorized construction. As the private respondents have prima facie been able to show that a permission to erect construction was issued by the gram panchayat in February 2004, accordingly, the primary submission of the petitioner regarding construction being made without any sanctioned plan remain unsubstantiated.

In view of the above, no relief can be granted to the petitioner in the present case.

The parties will be at liberty to approach the appropriate forum for relief.

The writ petition stands dismissed.

The report filed by the Dhaniakhali Police Station is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)