

03-12-2024
Item No.27 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.19763 of 2022
Aditya Kumar Singha
-vs-
The State of West Bengal & Ors.

Ms. Rita Patra
Ms. Pusmita Das ...for the petitioner

Mr. Ashis Kumar Guha
Mr. Naren Ghosh Dastidar ...for the State

Mr. Shuvro P. Lahiri
Mr. Rajesh Naskar ...for the Panchayat

The grievance of the petitioner is directed against an alleged illegal use and occupation of the subject premises by the respondent-statutory authorities.

It is submitted on behalf of the petitioner that though the father of the petitioner had donated the subject plot in favour of the respondent-statutory authorities for construction of a health centre for treatment for backward class inhabitants, the same has been lying closed for a long time. The petitioner seeks accommodation to assert and analyse the legal right in respect of the subject land.

On behalf of the Gram Panchayat, it is submitted that the land is now in the name of the concerned Gram Panchayat and the petitioner cannot claim any right, title and interest in respect of the same.

The State is represented and submits that there is no grievance directed against the State and hence it has nothing to submit in this matter.

In view of the above, WPA No.19763 of 2022 stands dismissed on the grounds that the disputes between the petitioner and the respondents are purely civil in nature and cannot be adjudicated by a writ court. The gift in favour of the respondent-authorities was made by the father of the petitioner as far as back 2003. Accordingly, on the grounds of limitation, the instant writ petition is also not maintainable.

The petitioner is at liberty to approach the appropriate forum in accordance with law, if he is so advised, for seeking appropriate remedies.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Ravi Krishan Kapur, J]

