

19
07.02.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 21828 of 2023

**Bhaktipada Ghosh & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Saibal Kumar Acharya,
Mr. Pradip Paul,
Ms. Renesa Dey.
...For the Petitioner.**

**Mr. Anand Farmania,
Ms. Indumouli Banerjee.
...For the State.**

**Mr. Sounak Bera.
...For the Respondent No.9.**

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

The petitioners allege that despite having a proper sanctioned plan they cannot raise construction as the private respondent has constructed a cantilever encroaching upon the private land of the petitioners.

Allegation is that complaint was lodged before the Pradhan of the Gram Panchayat but the same has not been disposed of till date.

Learned advocate appearing for the private respondent submits, upon instructions, that the private respondent constructed the boundary wall long back and it is the petitioners who have encroached upon the

private land of the private respondent. A title suit has been filed by the private respondent which is pending consideration before the learned civil Court.

None represents the Gram Panchayat.

It appears from the submissions made on behalf of the petitioners as well as the private respondent that there is an issue of encroachment of private land. The petitioners contend that the private respondent is guilty of raising unauthorized construction by encroaching upon the private land of the petitioners.

I am of the opinion that the Pradhan will not be the appropriate authority to decide the issue of encroachment. A title suit is pending consideration before the Learned Court below. Both the parties are relegated to the appropriate civil Court for relief.

No further relief can be granted to the petitioners in the instant case.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)