

05-03-2024
Item No.31
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.24606 of 2023
Shri Shankar Shaw
-vs-
State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. Subhasish Moitra
Mr. Debrup Chowdhury
Mr. S. Mitra ...for the petitioner

Mr. Shankar Shaw
Ms. Sima Adhikari ...for the State

Mr. Ayan Banerjee
Mr. Suman Banerjee ...for private respondent

The petitioner alleges that the private respondent raised construction without maintaining the mandatory side open spaces.

The private respondent denies such allegation and contends that the petitioner has raised construction by encroaching upon the side space of the private respondent.

It transpires from the submission made on behalf of the parties that there is an issue of encroachment. Both the parties claim to have raised construction in accordance with the plan sanctioned by the Gram Panchayat.

In such a situation, it will not be proper to direct the Panchayat to decide the issue. The parties are accordingly relegated to the competent civil court for identification and demarcation of their respective plots of land.

The writ petition stands disposed of.

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

[Amrita Sinha, J]