

43&44 21.02.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 24688 of 2023

Shyamapada Das @ Bikash Chandra Das
Vs.
The State of West Bengal & Ors.

With

WPA 28447 of 2023

Ujjwal Das
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar.
...for the petitioner in WPA 24688/2023.

Mr. Anand Farmania,
Mr. Manaj Kr. Mandal.
...for the State in WPA 24688/2023.

Md. G. N. Imrohi,
Ms. Bidisha Chakraborty.
...for the Pradhan, Islampur Chak, Gram Panchayat.

Mr. Kingsuk Mondal
...for the private respondents in WPA
24688/2023.

Mr. Kingsuk Mondal
...for the petitioner in 28447/2023.

Mr. Molay Singh,
Mr. Tapas Ballav Mandal.
...for the State in WPA 28447/2023.

Mr. Udit Narayan Betal.
...for the respondent no.8 in WPA 28447/2023.

The petitioner and the private respondents are co-owners of a subject plot of land. The land in question is unpartitioned and un-demarcated. A partition suit is pending consideration since the year 2015. The parties are occupying

portions of the said premises by making constructions thereon. Both allege that the other has raised construction without valid sanctioned plan.

Prayer has been made for demolition of the unauthorised construction that has been made.

A reference has been made to the information provided by the Panchayat that post-facto sanction has been granted in respect of the existing construction.

The petitioner contends that there is no provision for according post-facto sanction to an existing construction and the said construction is liable to be demolished.

As there are allegations and counter allegations of raising illegal construction by both the parties, accordingly, the parties are relegated to raise their respective objections before the Gram Panchayat.

The details of the unauthorised construction shall be mentioned in the objection to be filed before the Panchayat. The Panchayat shall consider the said objections to be filed by the parties in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order thereon.

Both the writ petitions stand disposed of.

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

(Amrita Sinha, J.)