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07.11.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26077 of 2024

Sarifa Bibi
Vs.
The State of West Bengal & Ors.

Mr. Atis Kumar Biswas,
Ms. Jyoti Agarwal
...for the petitioner

Mr. Rudranil De,
Mr. Chandan Chakraborty
...for the State

Mr. Sarbananda Sanyal
...for the private respondent

The Affidavit of Service filed today be kept with
the records.

The grievance of the petitioner is directed
against unauthorized construction. It is fairly
admitted by both the parties that the land in
respect of which such alleged construction has
taken place, is government land and on public road.

On behalf of the State respondents it is
submitted that the grievance of the petitioner
cannot be adjudicated under the provisions of the
West Bengal Panchayat Act, 1973 and the
petitioner must invoke the provisions of the Public
Premises (Eviction of Unauthorized Occupants) Act,
1971.

On behalf of the petitioner it is submitted that the Sub Divisional Officer is authorized to initiate proceedings in respect of any unauthorized construction insofar as public premises are concerned.

In view of the fact that the grievance of the petitioner pertains to alleged illegal construction on public land, there is no provision under the West Bengal Panchayat Act, 1973 to afford any relief to the petitioner.

In view of above, W.P.A. No. 26077 of 2024 stands dismissed on the ground of maintainability.

Liberty is granted to the petitioner to take appropriate steps in accordance with law, if so advised.

Enquiry Report filed on behalf of the Police Authorities be kept with the records.

It is made clear that there has been no adjudication on the merits of the case.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)