

M/L 715
06.08.2025
ct.no.35
Kausik

W.P.A. 16307 of 2024

**Manik Kumar Kundu @ Manik Kundu & Anr.
Versus
The State of West Bengal & Ors..**

Mr. P.K. Adhikari
Mr. S.K. Adhikari
Mr. Debdip Adhikari

...for the Petitioner.

Mr. Rajarshi Basu
Mr. Anirban Datta

...for the State.

Petitioner is aggrieved by the fact that in spite of permission being granted by the Panchayat authorities, the petitioner is unable to construct his own two-storied building as there has been resistance from the private respondents.

State has submitted a report which reflects that Title Suit No. 208 of 2022 is pending before the learned Civil Judge (Junior Division) Jhargram. Proceedings have been drawn up under section 107/116 of the Cr.P.C. at the relevant point of time.

The police authorities in the report categorically stated that the learned Sub-Divisional Executive Magistrate mentioned that it appeared from the report of the BL& LRO, Gopiballavpur that

the actual position of L.R. Map of Gopiballavpur Mouza could not be located.

Having regard to the fact that a land dispute is existing and the petitioner's main thrust of argument is on the basis of permission granted by the Panchayat authorities, I am of the view that in case they face resistance they would approach the civil court which is already in seisin of the Title Suit No. 208 of 2022. The concerned Court would assess regarding the contentions and thereafter pass necessary directions upon the police authorities.

In addition to the aforesaid, if the police authorities apprehend that there may be breach of the peace, police authorities would ensure that no untoward incident takes place.

With the aforesaid observations WPA 16307 of 2024 is disposed of.

Report submitted be kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)