

15.01.2025
Item No.10
RP/AN
Ct. No.01

MAT 1351 of 2024
+
IA No.CAN 1 of 2024
CAN 2 of 2024

Sushil Kumar Poria
Vs.
Block Development Officer, Chandrakona 1 & Ors.

Mr. Gopal Chandra Ghosh, Sr. Adv.
Ms. Sunandana Saha
Mr. R.K. Mondal
....For Appellant

Mr. Sardar Amjad Ali, Sr. Adv.
Mr. Samir Kumar Ghosal
Mr. Puranjan Pal
....for Respondent No.6

Sk. Md. Galib
Ms. Sujata Mukherjee
....for State

1. This intra-Court appeal is directed against a common order dated 20th February, 2024 passed in WPA 26429 of 2023 and WPA 109 of 2024. The present appellant was the petitioner in WPA 109 of 2024.
2. After we have elaborately heard the learned senior advocates for the appellant and the respondent no.6 and the learned government counsel we find that the appellant cannot be stated to be aggrieved by the direction issued in paragraph 51 of the impugned order. In fact, no direction is required to the Gram Panchayat to inspect any building to ascertain as to whether the building has been constructed after obtaining a sanction plan or the building is wholly an

unauthorized structure. Therefore, the direction issued by the learned Single Bench is, in fact, superfluous and even if there is no direction there can be no fetter on the Gram Panchayat to cause an inspection of any building falling within its jurisdiction.

3. The appellant in his writ petition in paragraph 29 has alleged that the private respondent no.6 herein has encroached upon part of Dag Nos.428 and 405 being embankment (pukur par) of Mouza-Maheshpur and the said library has no sanction plan in its name. In support of this contention the appellant has referred to the reply given to the appellant by the Public Information Officer of the Gram Panchayat dated 05.04.2023 wherein it is stated that according to Gram Panchayat record there is no register or office copy of the plan in the name of Kamala Ghosh Rural Library at Mouza-Maheshpur.
4. So far as the allegation regarding encroachment in Dag Nos.428 and 405, Mouza-Maheshpur the same cannot be gone into a writ petition and the matter is essentially civil in nature. Therefore, we are of the view that while the Gram Panchayat implements the direction issued by the learned Single Bench it would be well within its jurisdiction to inspect any building to ascertain as to whether the building has been

constructed after obtaining a sanction plan or the building is wholly an unauthorized structure.

5. It is submitted by the learned advocate for the appellant that in the building put up by the private respondent no.6 a public library is functioning. The Gram Panchayat shall also examine as to whether it is a public library or otherwise.
6. With the above direction and observation, the appeal and the connected applications are disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)