

21.04.2026
Court No. 12
ML 29
April 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

F.M.A. 540 of 2024
CAN 1 of 2026

Arun Jana & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Anup Dasgupta
.....for the appellants

- 1) Affidavit-of-service filed on behalf of the appellants is taken on record.
- 2) Despite service none appears on behalf of the respondents.
- 3) We do not entertain the appeal. The appeal is based on subsequent cause of action. An information was received under the Right to Information Act from the concerned gram panchayat that the alleged construction of the respondent nos. 9 and 10 were without permission.
- 4) When the writ petition was disposed of, Her Lordship recorded that the panchayat authorities had stated that the nature of the wall constructed by the said respondents did not require permission.
- 5) Her Lordship also recorded that the dispute with regard to ownership and possession was in respect of a common passage, which could not be decided either by the writ Court or by the Panchayat Authority.
- 6) Under such circumstances, we do not interfere with the order impugned. However,

the appellants always have the liberty to take further steps in accordance with law on the basis of the receipt of subsequent information.

7) Accordingly, the appeal and the connected application are dismissed.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)