

WPA 16842 of 2024

Abdul Rouf Samim Molla
Vs.
The State of W.B. & Ors.

Mr. Partha Pratim Roy
Mr. Anirban Das ...for the petitioner.

Mr. Parashar Baidya
Mr. S. M. Imtiaj ...for respondent nos.9-12.

None appears for the State and the Panchayat despite service.

Learned counsel for the petitioner submits that the private respondents have raised construction in violation of building rules. The petitioner submitted a representation in this regard on 11th May, 2024 and seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the petitioner and the private respondents are co-sharers in respect of the plot in question and the private respondents have raised construction in terms of the sanctioned building plan granted in their favour.

The dispute between the parties with regard to the title and possession of the plot in question shall be decided by the appropriate civil forum. The petitioner is at liberty to approach the said forum for redressal of his grievance.

This Court is informed that a civil suit is pending between the parties.

Since the petitioner alleges unauthorized construction raised by the private respondent in violation of the building rules and also, the representation submitted by the petitioner in this regard is pending, the Pradhan, Debagram Gram Panchayat being the 8th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event the construction raised by the private respondents is found to be unauthorized/in violation of building rules, the concerned authority shall take necessary steps in accordance with law.

It is made clear that the 8th respondent shall deal with the issue of alleged unauthorized construction raised by the private respondent in violation of the building rules. The issue of title and possession in respect of the plot in question shall be dealt with by the civil court in the pending suit.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)