

WPA 22644 of 2024

Keshab Manna
Vs.
The State of W. B. & Ors.

Mr. Ambu Bindu Chakraborty
Mr. Amit Ghosh ...for the petitioner.

Mr. Anand Farmania
Mr. Abdus Salam ...for the State.

Mr. Soumen Kr. Dutta
Mr. Subham Dutta
...for the respondent nos.7 & 8.

Affidavit of service filed by the petitioner is taken on record.

None appears for the Panchayat despite service.

Learned counsel for the petitioner submits that the petitioner and the private respondents are co sharers in respect of the land in question and a partition suit is pending between them wherein preliminary decree has been granted.

The private respondents are raising construction in the said undivided property exceeding their share.

Though permission for the said construction was rejected by the Pradhan, Kusumpur Block-III Gram Panchayat initially, the said permission has been restored by an order passed on 30th August, 2024.

An objection filed by the petitioner against the said order has not been considered.

It appears that the 7th respondent approached this Court in a writ petition in WPA 22887 of 2023 assailing the order of the Panchayat rejecting his prayer for permission to raise construction in the plot in question.

By an order passed on 31st July, 2024, a co-ordinate Bench of this Court directed the concerned Panchayat to grant necessary permission for undertaking the construction in terms of the order dated June 20, 2023 passed by the learned Civil Judge (Senior Division), 1st Court, Contai, Purba Medinipur in Title Suit No.174/2011 within a stipulated time frame.

In compliance with the said order permission for raising construction was granted by the Panchayat in favour of the private respondents by a letter issued on 30th August, 2024.

Since such permission has been granted in compliance with the order of this Court which has not been assailed by the petitioner before the appropriate forum, the objection filed by the petitioner before the Panchayat against such approval is not maintainable.

The permission for construction being granted in terms of the order of this Court, the writ petition is also not maintainable and is accordingly dismissed.

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.)