

09.10.2023
Ct. 654
D/L 3 & 4
ab

WPA 20293 of 2023
(Assigned)
with
CAN 1 of 2023

Raghunath Karmakar
-Vs-
The State of West Bengal & Ors.
With
WPA 27298 of 2022

Sabita Bhowmick
-Vs-
The State of West Bengal & Ors.

Mr. Srinjoy Das,
Mr. Biswajit Sengupta,
Mr. Saroj Banerjee
... for the petitioner in WPA 20293 of 2023
& respondent no. 7 in WPA 27298 of 2022

Ms. Ambika Sasmal
... for the respondent nos. 6 & 7 in WPA
20293 of 2023

Mr. Subhajyoti Halder
... for the private respondent no. 9 in WPA
20293 of 2023 & petitioner in WPA 27298
of 2022

Mr. Chandi Charan De,
Mr. Arindam Mandal,
Mr. Tapas Kr. Mandal
... for the State in WPA 20293 of 2023

Mr. Chandi Charan De,
Mr. Ashim Kr. Ganguly,
Mrs. Jyotsna Roy Mukherjee
... for the State in WPA 27298 of 2022

Mr. Srinjay Das, learned advocate for the
petitioner in WPA 20293 of 2023 submits that the letter
on basis of which the private respondent no. 9 has
made constructions in the land in question is not at all

sanctioned permission for building. He further draws the attention of the Court that in reply to the letters seeking query regarding issuance of sanctioned permission for building, the respective Panchayat has informed that no such permission was granted in favour of the respondent no. 9 for making construction in the land in question. Furthermore, since the previous Pradhan has once again taken over charge of the Panchayat, there is every possibility of issuance of post-facto permission. He submits for passing necessary order in this regard.

Ms. Ambika Sasmal, learned advocate for the respondent nos. 6 and 7 seeks accommodation.

Mr. Subhojyoti Halder, learned advocate for the private respondent no. 9 also seeks accommodation.

Mr. Chandi Charan De, learned Additional Government Pleader appearing for the State in both the writ petitions submits that the Block Land and Land Reforms Officer has rightly issued the letter dated 14th November, 2022 for restoration of original character of the land.

From the materials placed precisely annexure P4 collectively, it is primarily found that no such sanction order permitting construction has been issued by the Panchayat over the land in question. Considering the submissions advanced on behalf of the petitioner, the respondent nos. 6 and 7 in WPA 20293 of 2023 are restrained from issuing any permission for construction

over the land in question giving a post-facto effect till 22nd December, 2023 or until further order, whichever is earlier.

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

Let the matter appear under the same heading on ***6th December, 2023.***

(**Bivas Pattanayak, J.**)