

06
19.12.2024
B.P./A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28969 of 2024

Sonachura Gram Panchayat & Anr.

-versus-

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharya. Sr. Adv.

Mr. Anish Kumar Mukherjee.

Mr. Tamoghna Pramanick.

...For the Petitioners.

Mr. Lalit Mohan Mahata. AGP.

Mr. Ziaul Haque.

...For the State.

Mr. Dipankar Das.

... For the respondent no. 7.

1. The petitioner no. 1 is the Gram Panchayat represented by the petitioner no. 2 being the Pradhan of the said Gram Panchayat.

2. Allegation is that the Officer-in-Charge, Nandigram Police Station is taking forceful possession of the godown/warehouse of the Gram Panchayat for using the same as the Sonachura Police Outpost.

3. Petitioners rely upon Section 42 of the West Bengal Panchayat Act, 1973 in support of the submission that the said property belongs to the gram panchyat.

4. Petitioners have filed a supplementary affidavit annexing the Notice Inviting Tender floated by the Sonachura Gram Panchayat vide Memo No. 196/Gen dated 10th November, 2014 to show that the said construction for godown building was made in the year 2014 near the gram panchayat office at mouja Kangra.

5. It has been submitted that as the gram panchayat is ruled by the political party currently in opposition in the State, accordingly, the State, in connivance with the Zilla Parishad, is desperately trying to dislodge the panchayat from the said structure and intend to use the said structure as their outpost.

6. Learned advocate representing the State relies upon a report forwarded by the Inspector-in-Charge, Nandigram P.S. dated 13th December, 2024. It appears therefrom that a prayer was made to the Superintendent of Police, Purba Medinipur on 7th August, 2024 for inter department transfer of land in favour of the Home and Hills Affair Department for the use of the Sonachura outpost.

7. Letter was also sent to the District Magistrate, Purba Medinipur from the office of the Superintendent of Police seeking inter department transfer of land. The field enquiry is complete. The transfer of land is necessary to formalize the police camp's presence and ensure its continued operation. The report further mentions that the gram panchayat has demanded removal of police camp from the Sonachura Gram Panchayat.

8. It has been pointed out in the report that the police camp was established in 2015 in consultation with other administration to address serious law and order concerns in the area. The camp initially consisted of 4/5 constables from EFR under WBP and it was renovated in 2015 to ensure the safety of the force. Presently the camp is consisting of 5 EFRs and 2 constables. The renovation included the construction of a new building, toilet facility to the police personnel. As per the old police records there is a mention of police camp just opposite to the Sonachura Gram Panchayat.

9. Prima facie, from the documents placed before this Court it appears that, the Sonachura Gram

Panchayat did have possession of the land on which construction of the godown was made in the year 2014-15 with the funds made available from the 13th Finance Commission. Objection was raised by the Pradhan of the Gram Panchayat against illegal encroachment of the godown at the instance of the police on 6th August, 2024. Immediately thereafter a prayer by the Officer-in-Charge was sent to the Superintendent of Police on 7th August, 2024 with a request for inter departmental transfer of land in favour of the Home and Hills Affair Department of the State.

10. As the construction was used for the godown of the gram panchayat, the police ought not to use the same for any other purpose till a formal inter departmental transfer is allowed.

11. The Panchayat Authority may have permitted the police to use the godown for some particular reason but that does not give any right in favour of the police to continue possession of the same indefinitely.

12. The matter is made returnable on **7th January, 2025**.

13. The Superintendent of Police, Purba Medinipur is directed to file an affidavit disclosing his stand qua the subject structure.

14. The police is restrained from taking over possession of the structure in question till 31st January, 2025 or until further order, whichever is earlier.

15. It is made clear that the Court is yet to decide upon the inter departmental transfer which has been sought for by the police in its favour. The prayer for inter departmental transfer shall not be proceeded any further, if not proceeded in the meantime, till the next date of hearing.

16. In the event the inter departmental transfer of the subject structure has been proceeded with, then no action will be taken to finalise the same until the next date of hearing.

(Amrita Sinha, J.)