

16.09.2020
Court No. 05
Item No. 16
CP

WPA 6317 of 2020
with
IA NO. CAN/1/2020 (Old NO. CAN 4811
of 2020)

Dhirendranath Mondal & ors.
vs.
State of West Bengal & ors.

(Via video conference)

Mr. M. A. Samad,
Mr. Nayaab Mulla.

.....for the petitioners.

Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty.

....for the State.

Mr. Udaynarayan Betal,

....for the respondent no. 6.

The petitioners have challenged the inaction on the part of the prodhan, Goura Gram Panchayat, respondent no. 5 in taking steps pursuant to the complaint of unauthorised construction allegedly made by the respondent no. 6.

It is the contention of the petitioners that during the pendency of a partition suit initiated by the respondent no. 6 a construction has been made by the respondent no. 6 on the concerned land which is a subject matter of civil suit and no permission was ever granted by the panchayat authorities.

It is submitted on behalf of the State respondents that the police authorities enquired into the matter pursuant to the letter dated July 20, 2020 issued by the advocate on behalf of the petitioners and found that the respondent no. 6 had permission and that a civil suit was pending between the parties. The respondent no. 6 has produced the sanctioned plan as also the permission granted for building.

The said documents are disputed by the petitioners. However, these are disputed questions of fact and it is the panchayat authority who can take steps under the statute if there are any unauthorized constructions.

This writ petition is disposed of with a direction upon the prodhan, Goura Gram Panchayat, respondent no. 5 to dispose of the representation of the petitioners dated July 27, 2020 in accordance with law upon hearing all the parties. A reasoned order should be passed and communicated to all concerned. The entire exercise should be completed within a period of six weeks from the date of communication of this order.

As no affidavit has been exchanged, the allegation made in the writ petition shall be deemed to have not been admitted by the respondents.

In view of the above, CAN 4811 of 2020 is also disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities. All parties are to act on a server copy of this order.

(Shampa Sarkar, J.)