

13.01.2022  
SL No. 2 (Supplementary)  
Court No.24  
(P.M.)

**W.P.C.R.C. 66 of 2021**  
**In**  
**WPA 5008 of 2020**  
**Gopal Sahoo**  
**Vs**  
**Mrs. Juthika Pal & Anr.**  
**(Via Video Conference)**

Ms. Pampa Dey (Dhabal),  
Mr. Kaustav Bagchi,  
Mr. Amanul Islam,  
Mrs. Sabera Khatun  
..... For the petitioner

Mr. Sadhan Kumar Halder  
Mr. Arun Khutia  
..... For contemnor No. 1

Mr. Jahar Lal De  
Mr. Amrita Lal Chatterjee  
.... For the State

Mr. Kamalesh Bhattacharyya, learned senior advocate appears along with Mr. Arup Sarkar learned advocate submits that Mr. Sarkar is a junior member of the Bar and he mistakenly did not file vokalatnama on behalf of the Prodhan of the concerned Gram Panchayet in the writ proceeding. It has also been candidly submitted that the Prodhan did not give any expressed power to the learned advocate to represent the Prodhan in the writ proceeding. He all along had instruction from the Upa-prodhan of the Gram Panchayet.

Apology has been sought for representing the Prodhan without a proper vokalatnama in Court. The

learned advocate is cautioned not to make such type of mistake in future.

The petitioner has filed an exception to the affidavit of compliance filed by the Prodhan. In the said exception the petitioner has annexed the record of rights to show that he is the owner of Khatian No. 6265, Dag No. 1990/2234 measuring about one decimal.

The said document also shows that one Tapas Hati is the owner and occupier of one decimal of land in Khatian No. 5471 in the self same dag. Gopal Chandra Das is the owner and occupier of two decimals of land in Khatian No. 5709 in the self same dag. Chandan Manna is the owner and occupier of land in Khatian No. 6264 and Ranjan Manna is the owner and occupier of land in Khatian No. 6266 in the self same dag.

The record of rights mentions that all the above Khatians are classified as shop.

The petitioner contends that all the above persons have made construction beside their respective shop rooms that are existing in the aforesaid Khatians.

According to the petitioner no plan has been obtained from the Panchayat for making such construction.

Learned advocate for the alleged contemnor is directed to take proper instructions as to whether any construction has been made by the side of the shop rooms mentioned in the aforesaid Khatian Nos. 5471, 5709, 6264 and 6266 and whether the said construction has been made after obtaining sanction plan from the Panchayet. The learned advocate for the contemnor shall also take instruction as to who is responsible for making such construction, if any.

A report shall be filed by the Prodhan of the Panchayet disclosing the details of the above query put forth by the court. A copy of the report shall be served upon the learned advocate for the petitioner in advance.

Let the matter appear in the list on 17<sup>th</sup> February, 2022.

**( Amrita Sinha, J.)**