

08.07.2021
Sl. No.5
srm

W.P.A. No. 8654 of 2021

**Sudhir Chandra Mistri @ Sudhir Mistri
Vs.
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya

...for the Petitioner.

Mr. Ziaul Islam

Mr. A. Salam

...for the State.

Affidavit-of-service is taken on record. It appears that the Pradhan of Bansra Gram Panchayat, District-South 24-Parganas has been served with a copy of the writ petition. Despite service none appears on behalf of the Panchayat Authorities. The learned Advocate for the State-respondents appears virtually.

The petitioner has made an innocuous prayer that the representation dated March 15, 2021 be disposed of by the Bansra Gram Panchayat. The petitioner has made allegations with regard to the illegal and unauthorised pacca construction being raised by the respondent Nos.5 and 6. The writ petition can be disposed of in the absence of the non-appearing respondents.

Under such circumstances, the writ petition is disposed of with a direction upon the Bansra Panchayat Authorities to dispose of the representation dated March 15, 2021 in

accordance with law upon giving an opportunity of hearing to the petitioner as also the respondent Nos.5 and 6.

This Court has not gone into the merits of the claims and counterclaims of the parties and the competent authority shall decide the issue independently on the basis of the oral and documentary evidence that shall be adduced by the respective parties. Upon disposal of the representation, a reasoned order should be passed and communicated to all concerned. In case the Panchayat Authority finds that there is any illegal construction then the authorities shall proceed in accordance with law upon complying with the statutory provisions and also by observing the principles of natural justice.

A server copy of this order and the representation be served upon the Panchayat Authorities.

The entire exercise should be completed within a period of three months from the date of communication of this order

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)