

28.09.2021
Sl. No.20
srm

W.P.A. No. 10712 of 2021
Abuchhik Tarafdar alias
Abusiddique Tarafdar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Paulami Dutta

...for the Petitioner.

Ms. Sipra Mazumdar,

Mr. Khairul Alam,

Ms. Anima Das Chakraborty

...for the State-Respondents.

Despite service none appears either on behalf of the panchayat authorities, nor on behalf of the respondent Nos.9 to 13. Affidavit of service is taken on record.

A report has been filed by the Block Development Officer, Vhangore-1 Development Block from which it appears that the allegations of the petitioners are, *prima facie*, correct. That there has been unauthorised construction measuring around 884 sq.ft. The classification of the lands are "Sali" and "Pukur Par". That conversion certificate could not be produced by the respondent Nos.9 to 13 and the competent authority of the Gram Panchayat has already issued a notice upon the parties directing them to appear at a hearing on September 25, 2021. The report is taken on record.

The Pradhan has filed a report before the Block Development Officer, which has been forwarded before this Court.

Thus, nothing remains to be decided in the writ petition as the Panchayat authorities have already taken steps by calling the petitioners and the respondent Nos.9 to 13 for a hearing on the allegations made in the writ petition.

The writ petition is disposed of with a direction upon the Panchayat authorities to initiate proceedings on the basis of the inspection made and the *prima facie* observations made in the report and dispose of the same by reaching if to its logical conclusion as per law.

This Court has not gone into the merits of the claim and counterclaim of the parties and the entire issue shall be decided by the authorities prescribed under the West Bengal Panchayat Act, 1973 as per Section 23 and rules framed thereunder.

A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Needless to mention that both the parties shall be entitled to legal representation.

It is also made clear that the Panchayat authorities shall not take any steps in the absence of the respondent Nos.9 to 13, who have the right of hearing and right to defend their actions in accordance with law.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)