

S/L 18
14.09.2021
Court. No. 19
GB

WPA 11443 of 2021

Gopal Biswas & Ors.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Shamim Ul Bari,
Md. Hasanuz Zaman,
Mr. Sultan Ahmed Mondal.

...for the Petitioners.

Mr. M. Banerjee.

...for the Respondent Nos.8 & 9.

Md. Mansoor Alam.

...for the State.

Despite service none appears on behalf of the Panchayat authorities.

The petitioners have alleged illegal and unauthorized construction over a portion of Dag No.105 of Mouza – Karunahati pertaining to L.R. Khatian No.259/1.

The first contention is that the plot in question is a ‘Sali’ land and no construction can be carried out on the said land without conversion of the land by the appropriate authority. The next contention is with regard to the allegation of unauthorized construction without a sanction plan.

The learned advocate for the respondent nos.8 and 9 submits that the construction has been done in accordance with law upon obtaining permission from all authorities concerned.

Without going into the merits of the claims and counter-claims of the parties, the writ petition is disposed of with a direction upon the competent authority of the Chandaneshwar-I Gram Panchayat to dispose of the representation of the petitioner dated June 21, 2021 being Annexure-P2 to this writ petition in accordance with law, upon hearing the petitioner as also the respondent nos.8 and 9. A reasoned order shall be passed and communicated to all concerned. If necessary, the competent authority shall also cause an inspection in presence of the parties. The parties will be supplied the inspection report. The proceeding, which was initiated, shall be reached to its logical conclusion in accordance with law. The Panchayat authorities will only decide the issue of illegality in the construction that is whether the construction has been done in the absence of a sanction plan or in deviation thereof. With regard to the allegation of illegal conversion of the land from 'Sali' to 'Bastu', the petitioner is at liberty to approach the appropriate authority in accordance with law.

The entire exercise shall be completed by the Panchayat authorities within a period of three months from date of communication of this order.

As the Panchayat authorities are not present before this Court, the Block Development Officer, Bhangore-I Block shall ensure the compliance of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)