

14th September, 2021
(D/L 14)
(SKB)

W.P.A. 11267 of 2021
(Via Video Conference)

Budhiswar Ballav
Versus
State of West Bengal and others

Mr. Ritwik Pattanayak,
Mr. Somnath Majumder
... for the petitioner.

Mr. Debasish Chattopadhyay,
Ms. Jhyma Chakraborty,
Mr. Arjun Samanta
... for the State.

Affidavit of service filed in court today be kept on record. Despite service none appears either on behalf of Panchayat authorities or the respondent nos.10 and 11.

From the report of the police authority, it appears that the dispute is mainly over title in respect of a plot of land situated at No.12 Chitrangapur Mouza, having Khatian no.22 and Dag No.50/677 under the Ganganandapur Gram Panchayat measuring about 0.27 decimals. The police report indicates that the record of rights is in the name of the petitioner as per the documents received from the officer of the B.L. & L.R.O, Bongaon, Dist.-North 24 Parganas.

Let the police report be kept on records.

A prosecution under Section 107 of the Cr.P.C. has also been initiated against Subash Roy and Kuddus Ali Mondal being respondent nos.10 and 11 respectively. It

is neither for the police authority nor the Panchayat Authorities to decide on the title of the land, but, there are allegations of unauthorised construction in absence of a sanctioned plan.

The respondent nos.10 and 11 are aware of the writ petition as it appears from the police report. The police authorities upon receiving a copy of the writ petition had enquired into the matter and the respondents Nos. 10 and 11 were present at the enquiry.

The writ petition is disposed of without any direction upon the Panchayat Authorities to decide on the title over the disputed property but with a mandatory direction upon the competent panchayat authority to dispose of the representation of the writ petitioner dated June 28, 2021 in accordance with law upon hearing the petitioner as also the respondent nos.10 & 11 and reach the same to its logical conclusion by passing a reasoned order and communicating the same to all the parties. If necessary, an inspection may be held in the presence of all the parties and the inspection report should be supplied to them. With regard to the allegations of encroachment and title over the property, the petitioner shall be at liberty to approach the appropriate forum. However, if the panchayat authority detects any illegal and unauthorised construction, then the authorities shall take such steps as provided by law, upon giving an

opportunity of hearing to all including the respondent nos.10 and 11.

The entire exercise shall be completed within a period of four months from the date of communication of the order. The petitioner is directed to serve a copy of this order alongwith the representation dated June 28, 2021 upon the competent authority of the Ganganandapur Gram Panchayat.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)