

S/L . 12
1.9. 2021
Court. No. 19
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WPA 12585 of 2021

Jagannath Mondal.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Haradhan Mondal

...for the Petitioner

Mr. L.M. Mahata
Mr.Kapil Guha

..for the State

Despite service, none appears on behalf of the Indus Gram Panchayat. The respondent no.7 has refused service. The postal article has been filed before this Court showing such refusal. Let affidavit of service be taken on record.

The petitioner alleges that the Pradhan of Indus Gram Panchayat issued repeated notices to the petitioner and has been interfering with the possession and enjoyment of the property of the petitioner situated at sabek plot no. 269/682, Hal Dag No. 441, Khatian No. 337, Mouza Chatra, J.L. No. 80, Block Labpur, District Birbhum on which a dwelling house is being constructed upon receiving funds under the Pradhan Mantri Awaas Yojana.

It is submitted that the panchayat authorities in collusion with the Sri Anil Mondal, the respondent no.7 herein, has interfered with the petitioner's construction without due process of law.

The petitioner prays for a direction upon the Panchayat authorities to allow the petitioner to construct his dwelling house without further disturbances.

Records reveal that there is long-standing dispute between the petitioner and the respondent no.7 over use and occupation of the alleged construction in question. It also appears to the Court that the Pradhan has repeatedly tried to settle the disputes with regard to the construction and excavation of a drain, as an outlet for the accumulated sewage and water. It is submitted that several hearings had been held but no final decision had been taken by the panchayat authorities.

Having considered the contentions of the petitioner and the records, it appears that the dispute with regard to the land, encroachment and construction etc. with the respondent no.7 are matters which cannot be decided by this Court. It appears that the Pradhan also tried to settle the dispute by calling the parties for mutual settlement but mutual settlement has not been arrived at. With regard to the

allegations against the respondent no.7, the petitioner is at liberty to prefer a suit or initiate any other proceeding in accordance with law.

This writ petition is disposed of with a direction upon the Block Development Officer concerned to make an enquiry in the matter, especially with regard to the allegations against the Pradhan and pass a reasoned order in accordance with law upon granting an opportunity of hearing to the petitioner, the authorities of Gram Panchayat, the respondent no.7 and all other interested parties in respect of the land in question. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of two 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.

All parties are directed to act on the learned advocate's communication.

(Shampa Sarkar, J.)