

S/L 24
07.10.2021
Court. No. 19
GB

WPA 14818 of 2021

Tapan Adak
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Bhagabt Chawdhari,
Sk. Toslim Ali.*

...for the Petitioner.

*Mr. Gaus Ul Alam,
Mr. Ranjit Rajak*

...for the State.

The petitioner has alleged unauthorized construction on L.R. Dag No.1546, 1547, Mouza – Abhirampur within Police Station Rajapur, Howrah, by the respondent nos.5 to 11.

It is submitted that despite lodging several complaints, no steps have been taken by the authorities.

Mr. Ahmed, learned advocate appearing on behalf of the State respondents submits that the pleadings reveal pendency of a title suit.

This Court is not going into the merits of the claims of the petitioner. Neither is the court considering the question of title or encroachment. The only point to be decided in the writ petition is whether the panchayat authorities are duty bound to act in accordance with the provision of law, if there are any allegations of unauthorized construction.

In this case, the petitioner has raised certain objections with regard to the construction of the respondent nos.5 to 11. Such complaints have not been entertained. The writ petition is disposed of with a direction upon the panchayat authorities to act and proceed in accordance with the provision of Section 23 of the West Bengal Panchayat Act, 1973 and dispose of the complaint of the petitioner dated September 3, 2021.

The panchayat authority shall cause an inspection in presence of the petitioner and the respondent nos.5 to 11. Copy of the report shall be handed over to the parties and thereafter, upon hearing all the parties, a reasoned order shall be passed and communicated to all concerned. This Court has not decided the merits of the claims of the petitioner and the authority shall act and proceed in accordance with the provision of law.

The entire exercise shall be completed within a period of five months from date of communication of this order. The panchayat authority shall comply with the principles of natural justice at every step to be taken by them pursuant to this order.

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 learned advocate's communication.

(Shampa Sarkar, J.)