

Sl.no.30
8.12..2021.
Court. No. 19
Sn

WPA 15318 of 2021

Sarafat Molla
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Sudhangshu Nath ... for the Petitioner

Despite service, none appears either on behalf of the panchayat authorities or on behalf of the respondent nos. 7 to 10. Let the affidavit of service be taken on record.

The petitioner is aggrieved by alleged unauthorised construction on plot no.39,Khantian no. 616, J.L. No.47, Mouza Uttar Narkelberia, Police Station Kashipur, District South 24 Parganas.

The petitioner claims to be the recorded owner of the plot over which the alleged unauthorised construction is being carried on.

Without going into the merits of the claims and counterclaims of the parties, this writ petition is disposed of with a direction upon the competent authority of the Bhagbanpur Gram Panchayat to dispose of the demand of justice made by the petitioner through his learned advocate dated September 14, 2021, in accordance with law. While disposing of the said complaint, the authorities shall

cause an inspection of the premises in question in presence of the parties and other stake holder, if any, who may have a rival claim on the plot in question. The report shall be prepared and handed over to the parties. The parties shall be allowed to file their written version in support of their respective contentions and also adduce oral and documentary evidence before the authority. A hearing shall be given and a reasoned order shall be passed and communicated to all.

Needless to mention that the proceeding initiated shall be reached to its logical conclusion in terms of Section 23 of the West Bengal Panchayat Act, 1973.

This Court has not gone into question of title, possession and/or encroachment as alleged. Neither this Court nor the panchayat authorities have any jurisdiction to decide the said issues. The proceeding, as directed, shall be restricted to the question of unauthorised construction, that is, whether any construction has been raised in the absence of a sanction plan or in deviation of the plan.

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

The writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)