

26.11.2021
Sl. No.34
srm

W.P.A. No. 18041 of 2021

**Asia Bibi
Vs.
The State of West Bengal & Ors.**

Mr. Udaynarayan Betal

...for the Petitioner.

Mr. Golam Mustafa

...for the Respondent Nos.6, 7 & 8.

Mr. Narayan Chandra Bhattacharya,
Mr. Sougata Mitra

...for the State-respondents.

Mr. Golam Nure Imrohi

...for the Respondent No.4.

Affidavit of service is taken on record.

The petitioner alleges that the respondent No.6 to 11 have made certain unauthorised construction on L.R. Plot No.211 appertaining to Mouza Islampur, J.L. No.56, Police Station – Islampur, District-Murshidabad. A complaint has been lodged with the Pradhan of Chak Islampur Gram Panchayat, District-Murshidabad, which is annexure P-4 to the writ petition. It is alleged that despite receiving the complaint, the panchayat authorities are not proceeding in the matter.

Mr. Mustafa, learned Advocate appearing on behalf of the respondent Nos.6, 7 and 8, raises a question of maintainability of the writ petition. According to Mr. Mustafa,

the respondent No.9 has sold her share in the property in question and the respondent No.11 has expired.

In any event, this Court is not passing any order on the respondent Nos.9 and 11. This Court is of the opinion that the writ petition should be disposed of with a direction upon the Pradhan of Chak Islampur Gram Panchayat to dispose of the complaint of the petitioner in accordance with law upon granting an opportunity of hearing to the petitioner and all the persons who have right, title and interest over the alleged plot including the respondents Nos. 6, 7, 8, 10 and the heirs of the respondent No. 11. The competent authority of the concerned gram panchayat shall cause an inspection of the premises in question in the presence of the parties. A copy of the inspection report shall be supplied to the respective parties. Thereafter, the parties shall be allowed to file their written versions in support of their contentions. A hearing shall be given to the parties and a reasoned order shall be passed and communicated to all concerned. Needless to mention that the said proceeding shall be reached to its logical conclusion in accordance with law.

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

This Court has not gone into the merits of the claims and counter-claims of the parties and all points will be decided by

the Panchayat authorities. The proceedings shall be restricted only to the consideration of the allegation of unauthorized construction. The question of title and encroachment shall not be looked into by the panchayat authorities.

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 server copy of this order.

(Shampa Sarkar, J.)