

S/L 77
20.09.2022
Court. No. 19
GB

W.P.A. 170 of 2022

Md. Asraf Molla & Anr.
VS
The State of West Bengal & Ors.

Mr. Nilanjan Adhikari.

...for the Petitioner.

*Mr. Himadri Sikhar Chakraborty,
Mr. Arunava Maiti.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record. The police report is also taken on record.

Despite service none appears on behalf of the respondent nos.6 and 7. As the Court is not entering into the merits of the allegation made by the petitioner against the respondent nos.6 and 7, but is relegating the matter before the authority empowered by law to determine the issue of unauthorized construction, the writ petition is taken up in their absence.

The petitioners allege that the respondent nos.6 and 7 have started a construction without any permission and in violation of the measurements, which were taken in the presence of both the parties and with the approval of the panchayat authorities. Reliance has also been placed on a resolution adopted at a meeting between the parties in the presence of the panchayat authorities.

The petitioners have approached the panchayat authorities of Nalua Gram Panchayat by filing a representation dated December 8, 2021. The said representation shall be considered and disposed of in accordance with law, upon hearing all the parties. An

inspection shall be made and the report of such inspection shall be provided to the parties. After affording an opportunity to the parties to file their written versions and evidence, a reasoned order shall be passed and communicated to all concerned. Question of title, encroachment, boundary dispute, etc., shall not be gone into by panchayat authorities. The only issue, which has to be decided is whether there has been any construction in violation of the rules and in absence of any permission/sanction.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)