

03.03.2022  
Court No. 19  
Item no.21  
CP

WPA 520 of 2022  
with  
CAN 1 of 2022

Ranjit Patra  
Vs.  
The State of West Bengal & ors.

Mr. Pratip Kumar Chatterjee  
.....for the petitioner.

Mr. Tapash Kumar Mondal  
Ms. Priya Dey  
....for the Zilla Parishad.

Mr. Suryaneel Das  
Mr. Aditya Mondal  
.....for the respondent nos. 11 to 14.

Mr. Benazir Ahmed  
....for the State.

Leave is granted to add the Sub-Divisional Officer, Baruipur as a party respondent to the proceeding.

Copy of the writ petition along with the server copy of this order shall be served upon the said respondent.

The subject matter of this writ petition is a challenge to the inaction of the Zilla Parishad as also the Kheyadaha 2 No. Gram Panchayat in initiating proceedings on the basis of the complaint lodged by the petitioner alleging unauthorized construction by the respondent nos. 11 to 14.

Learned advocate appearing for the petitioner submits that the construction has been made on LR Dag Nos. 13, 17 and 75 in Mouza – Jagatipota.

The learned advocate appearing on behalf of the respondent nos. 11 to 14 submits that the construction has been made in accordance with the sanction granted by the appropriate authority and there has not been any unauthorized construction.

The learned advocate for the Zilla Parishad submits that upon detection of some unauthorized construction, the District Engineer, South 24 Parganas Zilla Parishad issued a notice dated January 17, 2022 to the parties and called them for a hearing.

It is submitted that the respondent nos. 11 to 14 appeared before the District Engineer but submitted that no unauthorized construction had been made.

As the Zilla Parishad has taken cognizance of the complaint of the petitioner, nothing further remains to be decided in the writ petition. The appropriate authority of the Zilla Parishad shall dispose of the complaint of the petitioner in accordance with law, by adhering to the following procedures:

- a) An inspection of the site shall be conducted. Such inspection shall be held

in the presence of the parties, with 48 hours advance notice to the petitioner and the respondent nos. 11 to 14.

- b) The report of the inspection shall be prepared along with the sketch map indicating the extent of deviation, if any.
- c) Such report shall be handed over to the petitioner as also the respondent nos. 11 to 14.
- d) A hearing shall be given to the petitioner and the respondent nos. 11 to 14. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority.
- e) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in accordance with law and also in accordance with the circulars issued from time to time by the Panchayat & Rural Development Department, Government of West Bengal.

The court has not gone into the merit of the claims and counter-claims of the parties and the issues shall be decided independently.

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

The writ petition is, thus, disposed of. Accordingly, connected application being CAN 1 of 2022 is also disposed of.

There shall be no order as to costs.

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

**(Shampa Sarkar, J.)**