

S/L 4  
24.02.2022  
Court. No. 19  
GB

W.P.A. 1856 of 2022

Kamal Krishna Sardar & Ors.  
VS  
The State of West Bengal & Ors.

*Mr. Mrinal Kanti Ghosh.*

*...for the Petitioners.*

Despite service on two occasions, none appears on behalf of the respondent nos.7 and 8. The Court is of the view that the matter can be disposed of in the absence of the said respondents as the entire issue raised in the writ petition shall be decided by the authorities, upon following the principles of natural justice.

The petitioners allege that the respondent nos.7 and 8 have raised some unauthorized constructions on Plot No.1116 within Mouza-Chandaneswar, District-South 24 Parganas.

It appears that several complaints had been lodged with the Pradhan, Dhosa Chandaneswar gram panchayat, but no steps have been taken. It also appears that there was a previous order of this Court, directing the competent authority of the concerned Gram Panchayat to take a decision in respect of the petitioners' representation dated September 9, 2017. It is alleged that the order of the court was not complied with by the gram panchayat and the respondent nos.7 and 8 continued with the unauthorized construction.

Having considered the records, this Court is of the opinion that the entire issue shall be decided by the

competent authority of the concerned Gram Panchayat under Section 23 of the West Bengal Panchayat Act, 1973.

While disposing of the complaint of the petitioners, the competent authority of the Gram Panchayat shall adhere to the following procedures:-

a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent nos.7 and 8 within three weeks. Advance notice of the inspection shall be served upon the petitioner and the respondent nos.7 and 8 and all other interested parties. If the parties are not available to accept notice, the authorities shall affix the notice of hearing and inspection at conspicuous places in their respective premises.

b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and was continuing, the authorities may take such interim measures by stopping such construction.

c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

d) Such report shall be handed over to the parties.

e) A hearing shall be given to the petitioner and the respondent nos.7 and 8. 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. All points raised by either party, will be decided.

f) 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 terms of the statute. The court has not gone into the merits of the claims and the issues involved shall be decided independently.

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

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

**(Shampa Sarkar, J.)**