

21
22.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 1332 of 2019

**Chandan Kumar Bhowmick & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Subrata Mukherjee,
Mr. Sabyasachi Hazra.
...For the Petitioners.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners allege that the Satbankura Gram Panchayat has sanctioned a building plan in favour of the private respondent Smt. Nibedita Maity in violation of the statutory provision of law.

It is the specific submission of the petitioners that the land over which the sanction has been granted is a joint property. A partition suit was pending in between the parties when the plan was sanctioned and the land is not demarcated.

The Panchayat ought not to have sanctioned the building plan in favour of one of the co-sharers over the joint property of the parties without affording an opportunity of hearing to the other co-sharers.

The petitioners submit that the partition suit which was pending has been decreed in favour of the petitioners.

The petitioners have already served a notice to the Pradhan of the Gram Panchayat in January 2019 highlighting their grievances and allege that the same has not been taken into consideration till date.

In the meantime the Suit stood disposed of and an order has already been passed.

It will be open for the petitioners to make fresh representation before the Pradhan of the Satbankura Gram Panchayat along with all documents in support of their prayer.

In the event such a representation is made, the same shall be considered by the Pradhan of the Gram Panchayat after giving opportunity of hearing to all the necessary parties strictly in accordance with law, at the earliest. The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioners are directed to forward a copy of the representation dated 1st January, 2019 along with the decree passed by the Learned Civil Court in the partition suit along with the representation to be filed by the petitioners to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)