

26.09.2022
Court No. 19
Item no.81
CP

W.P.A. No. 2609 of 2022
Ramesh Chandra Debnath
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Anirban Das
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty

.....for the petitioner.

Mr. R. N. Dutta
Mr. Hare Krishna Halder

...for the State.

None appears on behalf of the panchayat authorities and the respondent nos. 5 to 7.

The writ petition is not entertainable in its present form. The petitioner alleges that the respondent nos. 5 to 7 have started raising a construction at Dag No. 260 of Mouza – Paranpur, without any permission from the Jahannagar Gram Panchayat.

There is nothing on record which would demonstrate that the petitioner had ever approached the permission granting authority with the allegations.

Under such circumstances, the writ petition is disposed of without any orders.

The petitioner is at liberty to approach the concerned gram panchayat by filing a detained complaint. Vague and omnibus allegations shall not be entertained.

If such complaint is filed, the same shall be disposed of in accordance with law. While doing so, the following procedure shall be adopted by the concerned gram panchayat authorities :-

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent nos. 5 to 7. An advance notice of the inspection shall be served upon the petitioner and the respondent nos. 5 to 7 and all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the 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. 5 to 7. 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 West Bengal Panchayat Act.

The court has not gone into the merits of the claims.

The entire exercise shall be completed within a period of four months from the date of receipt of the compliant.

The question of title, possession and boundary etc. shall not be decided by the panchayat authorities. The only question to be decided by the panchayat authorities, would be whether the

construction has been made without any permission and/or in violation of the building rules and the relevant laws.

A copy of the writ petition along with a server copy of this order be served upon the concerned gram panchayat for necessary compliance 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.)