

13.01.2022
Item No.8
srm

W.P.A. No. 3395 of 2020

Md. Sarif Shaik @ Sarif Sekh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Hasanuz Zaman

...for the Petitioners.

Mr. Nemai Chandra Saha

...for the Respondent Nos.14, 15, 16,

Mr. Asish Kumar Guha,

Mr. N.G. Dostidar

...for the State-respondents.

The petitioners allege that the respondent Nos.11 to 16 have been constructing without any permission and contrary to the rules, upon plot No.6267 under Mouza-Barachandghar, J.L. No.123, Police Station-Kaligunj, District-Nadia.

It is submitted by the petitioner that complaints have been made to the panchayat authorities raising objection against such unauthorised construction but the said authority has not taken any steps despite having received such complaint.

The writ petition is disposed of with a direction upon the appropriate authority of the Barachandghar Gram Panchayat, to consider and dispose of the writ petition as a representation/complaint. While disposing of the same, the

appropriate authority of the Barachandghar Gram Panchayat shall adhere to the following directions:

- (a) The competent authority of the aforementioned gram panchayat shall cause an inspection of the premises in question in the presence of all the interested parties in order to ascertain whether there are any unauthorised constructions and also to ascertain the extent and nature of the unauthorised constriction, if any.
- (b) A copy of the inspection report shall be handed over to the respective parties.
- (c) The petitioners as also the respondent Nos.11 to 16 shall be given a hearing.
- (d) The parties shall be allowed to file their written versions and adduce oral and documentary evidence in support of their respective claims at the hearing.
- (e) A reasoned order shall be passed and communicated to all concerned.
- (f) Needless to mention that the entire proceedings shall be reached to its logical conclusion in terms of Section 23 of the West Bengal Panchayat Act.

In view of the rising pandemic situation, the entire exercise shall be completed within a period of eight months from the date of communication of this order.

This Court has not gone into the merits of the claims and counterclaims of the parties and all points will be decided by the panchayat authorities, independently.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)