

28.09.2022
Sl. No.96(DL)
srm

W.P.A. No. 4456 of 2022

Gopal Chandra Das

Vs.

The State of West Bengal & Ors.

Mr. Arkadeb Biswas,
Mr. Sutirtha Nayek

....for the Petitioner.

Mr. Tarun Ghosh,
Mrs. Debarati Sen (Bose)

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears either on behalf of the panchayat authorities or on behalf of the respondent No.6.

This Court is not inclined to issue any mandatory directions and deems it fit to refer the matter to the appropriate authority. Hence, the matter is taken up in the absence of the said respondents.

The petitioner seeks implementation of the order of this Court dated March 18, 2019 passed in WP No.5011(W) of 2018 and further implementation of the reasoned order dated February 3, 2022 passed by the Pradhan of Bilkanda-I Gram Panchayat, District-North 24-Parganas.

The Pradhan has passed an order, indicating that no sanction had been granted in respect of the building

constructed by the respondent No.6 on LR Dag No.697 corresponding to CS Dag No.157 under mouza Bilkanda.

It appears that subsequent action as per Section 23(5) of the West Bengal Panchayat Act, 1973 has not been taken.

Under such circumstances, the writ petition is disposed of with a direction upon the Pradhan of Bilkanda-I Gram Panchayat to forward the reasoned order before the Sub-Divisional Officer, Barrackpore-II for necessary steps as per Section 23(5) of the West Bengal Panchayat Act, 1973. It is made clear that the Sub-Divisional Officer, Barrackpore-II shall thereafter proceed with the matter upon granting an opportunity of hearing to the respondent No.6 and the petitioner with regard to the issue of demolition of the unauthorised construction. A reasoned order shall be passed and communicated to all. Steps shall be taken in accordance with law. Before complying with such direction, the authority will ensure that the order of demolition sought to be implemented, has neither been stayed nor set aside by a superior forum.

The entire exercise by the above authorities shall be completed within a period of two months from the date of communication of this order.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)