

17.01.2022
Court No. 19
Item no.11
(gc)

WPA 5084 of 2020

Bhishwadeb Mandal
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan, Adv.,
.....for the petitioner.
Mr. Manas Kumar Kundu, Adv.,
Mr. Jaydeep Basu, Adv.,
... for the State.

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

None appears on behalf of the respondents
apart from the State respondents.

The allegation is with regard to certain
unauthorized constructions allegedly raised by the
respondent Nos.10 and 11 on L.R. Plot Nos. 724 and
727 under J.L. No.45, Mouza- Jagatballavpur, within
Rajibpur Gram Panchayat under Budge Budge-I
Block, South 24 Parganas. As there are disputes
with regard to the alleged construction and the Court
is not an expert to decide on the correctness of such
allegations, the writ petition is disposed of with a
direction upon the competent authority of Rajibpur
Gram Panchayat to dispose of the complaint of the
petitioner being Annexure P-5 to the writ petition in
the manner as stated hereinbelow:-

- a) An inspection of the site shall be conducted. Such inspection shall be held in the presence of the parties, with 48 hours advance notice to the petitioner and the respondents Nos. 10 and 11.
- b) The report of the inspection shall be prepared along with the sketch map indicating the extent of deviation, if any.
- c) Such report shall be handed over to the petitioner as also the respondents Nos.10 and 11.
- d) A hearing shall be given to the petitioner and the respondents Nos.10 and 11. 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.
- e) 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 provisions of the relevant statute.

The court has not gone into the merit of the claims and counter-claims of the parties and the

issues shall be decided independently. The question of title or encroachment shall not be gone into. The proceeding will be restricted to the issue of unauthorized construction alone i.e., whether the construction is in the absence of a sanction plan, in deviation of the same or in deviation to the rules.

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.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)