

S/L 22
06.09.2022
Court. No. 19
GB

W.P.A. 11698 of 2021

Srikanta Maity & Ors.
VS
The State of West Bengal & Ors.

Mr. Jagabandhu Ray,
Mr. Manish Kr. Das.

...for the Petitioners.

Mr. Prasanta Kumar Giri,
Mr. Prabir Kr. Roy.

...for the State.

Affidavit-of-service filed in Court today, be kept with the records.

Despite several attempts to serve the respondent nos.6 to 8, they have not appeared before the Court. As the Court is not entering into the merits of the allegation made by the petitioners against the respondent nos.6 to 8, but relegates the matter before the authority empowered by law to determine the issue of unauthorized construction, the writ petition is disposed of in their absence.

The petitioners rely on a mass petition submitted before the Sub-Divisional Officer, Contai, Purba Medinipur, claiming that the respondent nos.6 to 8 had raised unauthorized construction.

Under such circumstances, the petitioners are granted liberty to approach the Amtalia Gram Panchayat by filing a composite representation. If such representation is made, the same shall be considered and disposed of in accordance with law. The disputes with regard to title, encroachment, boundary, etc., shall not be gone into.

While doing so, the following procedure shall be adhered to:-

a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioners and the respondent nos.6 to 8 within three weeks. Advance notice of the inspection shall be served upon the petitioners and the respondent nos.6 to 8. If the parties are not available to accept notice, the authorities shall affix the notices of hearing and inspection at conspicuous places in their 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 had been 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 petitioners and the respondent nos.6 to 8. 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, shall 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 Section 23 (5) of the West Bengal Panchayat Act, 1973.

This Court has not gone into the merits of the claims and counter-claims of the parties. The entire issue shall be decided by the concerned authority independently.

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

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 learned advocates' communication.

(Shampa Sarkar, J.)