

S/L 19
05.09.2022
Court. No. 19
GB

W.P.A. 11970 of 2022

Anukul Das
VS
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)

...for the Petitioner.

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

None appears on behalf of the respondent nos.1 to 6, despite service. Respondent nos.7 and 8 have refused service.

This writ petition is taken up in their absence, as this Court has not entered into the merits of the claims of the petitioner. The matter is relegated to the appropriate authority, empowered by law, to deal with the issues of unauthorized construction.

The petitioner has raised the question of unauthorized construction by the respondent nos.7 and 8, inter alia, alleging that without any permission from the competent Gram Panchayat, the construction has been raised.

Without going into the merits of the claims and counter-claims of the parties, the writ petition is disposed of, granting liberty to the petitioner to file a comprehensive complaint before the concerned Gram Panchayat. If such complaint is lodged, the same shall be disposed of in accordance with law. The right, title and interest of the parties shall not be decided by the authority. The merits of the allegations have not been gone into.

While disposing of the complaint, the following procedure shall be adhered to:-

a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent nos.7 and 8 within three weeks. Advance notice of the inspection shall be served upon the petitioners and the respondent nos.7 and 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 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.7 and 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 the West Bengal Panchayat Act, 1973.

The entire exercise shall be completed within a period of four months from the date of communication 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 learned advocates' communication.

(Shampa Sarkar, J.)