

8.9.2022
Sl.No.14
sn

WPA 13642 of 2021

**Susanta Baidya
Vs.
The State of West Bengal & Ors.**

**Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous ..for the petitioner**

. Although, the respondent no. 6 is not before this Court, this writ petition is taken up for hearing. As this Court is not passing any mandatory directions, but is relegating the matter to the authorities which has already decided to demarcate and inspect the land on the basis of allegation of the petitioner, this writ petition is disposed of in their absence.

The petitioner alleges that the respondent no.6 had used a portion of the land of the petitioner for construction of a dwelling house under the Pradhan Mantri Awaas Yojana.

Reliance is placed on certain communication from the panchayat authorities with regard to the demarcation.

This writ petition is disposed of with a direction upon the Gobindakati Gram Panchyat to take steps pursuant to the notice issued earlier and on the basis of the decision which had been taken on August 18, 2020 with regard to the measurement of the land and demarcation. Such action shall be

taken within a period of three months from the date of communication of this order.

As the panchayat authorities have already taken steps on the basis of the allegation of the petitioner with regard to violation of the site plan approved by the Nirman Sahayak, no further mandatory directions are required to be passed.

Needless to mention that the Panchayat authorities shall act and proceed in accordance with law, by giving a hearing to the parties.

Before any action is taken, fresh notice shall be given to the parties. On the basis of the findings steps shall be taken in order to decide whether the dwelling house had been constructed by the respondent No.6, in accordance with the approved drawing under the PMAY(G) scheme. At every step, starting from the inspection, demarcation and up to the stage of passing the final order, the petitioner and the respondent no.6 will be heard.

The question of title, possession and boundary disputes etc. shall not be gone into.

This Court has not gone into the merits of the claims of the petitioner.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)