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20.07.2022
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In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8224 of 2022

Khodabox Sk. & Ors.
-versus-
The State of West Bengal & Ors.

With

W.P.A. No. 12953 of 2022

Liala Bidi & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Ms. P. Ckakraborty
...for the petitioners in
W.P.A. 8224 of 2022 and
for the private respondent
in W.P.A. 12953 of 2022

Mr. Kingsuk Mondal,
...for the petitioners in
W.P.A. 12953 of 2022
for the respondent nos.
4 and 5 in WPA 8224 of 2022

Mr. Jahar Datta,
Mr. Bipin Ghosh
...for the State in
WPA.8224 of 2022

Ms. Sutapa Sanyal,
Mr. Anand Farmania
...for the State in WPA 12953/22

Two writ petitions are taken up for consideration
together.

The petitioners in both the writ petitions allege
illegal and unauthorized construction against each
other.

The petitioners in WPA 12953 of 2022 has obtained information under the Right to Information Act, 2005 from the Rukunpur Gram Panchayat that Khodabox Sk., that is, the petitioner in WPA 8224 of 2022, is making construction without obtaining any prior sanction plan from the Panchayat.

It appears that there are allegations and counter-allegations against each other.

The Panchayat is not represented.

In view of the above, both the writ petitions are disposed of by directing the Rukunpur Gram Panchayat and its Pradhan to take a decision with regard to the respective objections filed by the petitioners strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioners in both the writ petitions and all other necessary parties and pass a reasoned order and intimate the same to the parties immediately thereafter.

The decision shall be taken in both the matters in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order to the said respondents.

It is made clear that the Court has not entered into the merits of the claim and counter-claim made by the parties and all points are left upon to be decided by the aforesaid respondents at the time of consideration of the representation filed by the parties.

It is made clear that the Panchayat authority shall not enter into and decide any civil dispute in between the parties and restrict the consideration only with regard to the allegation of unauthorized construction.

In the event, it transpires that there has been unauthorized construction at the instance of any of the parties, then necessary remedial steps shall be taken strictly in accordance with law.

Both the writ petitions stand disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)