

S/L 9
20.01.2022
Court. No. 19
GB

WPA 14317 of 2021

Rabin Kumar Basu
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Saila.

...for the Petitioner.

*Mr. Pradip Kr. Roy,
Ms. Shraboni Sarkar.*

...for the State.

Mr. Nichay Mall.

...for the Respondent No.3.

The petitioner is aggrieved as the panchayat authorities have not acted on the basis of the order dated June 29, 2021 passed by a learned coordinate Bench of this Court. It is submitted by the petitioner that the Pradhan and the authorities of the Rajarhat-Bishnupur-I Gram Panchayat have failed to consider the representation filed by the petitioner alleging unauthorised construction by the respondent no.3. Thus, the petitioner has filed this application for a direction upon the panchayat authorities to act and proceed in accordance with law as also in accordance with the order already passed by this Court.

The learned advocate appearing on behalf of the respondent no.3 submits that pursuant to the order of this Court a hearing was given to the parties and thereafter, upon perusal of the documents filed by the respondent no.3 the building plan of the respondent no.3 was sanctioned by the

authorities. The constructions has been made strictly in accordance with the plan/permission, thereafter.

Be that as it may, as this Court had already directed the concerned authority of the Rajarhat-Bishnupur-I Gram Panchayat to act and proceed on the basis of the representation of the petitioner dated June 29, 2021, the said order must be complied with and the panchayat authorities should dispose of the representation by passing a reasoned order.

It is an admitted position that a reasoned order has not been passed. The panchayat authorities are thus directed to hold one last hearing and pass a reasoned order on the basis of the contentions of the parties. The merits of the complaints of the petitioner are not being gone into by this Court. If the contentions of the respondent no.3 are correct that the constructions have been made in accordance with the building plan, no steps shall be taken by the authorities, as the said fact shall be reflected in the reasoned order. However, if the contentions of the respondent no.3 are not correct and are not borne out by the records, then the authorities shall take necessary steps as per law. The question of title, encroachment and boundary dispute etc. shall not be gone into by the panchayat authorities.

The entire exercise shall be completed within a period of four months from 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 server copy of this order.

(Shampa Sarkar, J.)