

S/L 26
20.01.2022
Court. No. 19
GB

WPA 15408 of 2021

Prasanta Bera
Vs.
The State of West Bengal & Ors.

*Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Ms. Poulami Dutta.*

...for the Petitioner.

*Mr. Narayan Chandra Bhattacharyya,
Ms. Sujata Ghosh.*

...for the State.

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

The track report filed today, reveals that the respondent no.8 has been served with a copy of the writ petition.

Despite service none appears on behalf of the respondent no.8. The matter is taken up as no mandatory directions are being passed against the said respondent.

Mr. Bhattacharyya, learned advocate files a report on behalf of the Block Development Officer. From the report of the Block Development Officer it appears that the panchayat authorities had caused an inspection on the basis of the complaint of the petitioner and it was found that the respondent no.8 had raised some unauthorized constructions on Plot No.2149 at Mouza-Bainchipota, pertaining to Khatian No.24 and 685. The said report of the Block Development Officer is taken on record.

Records further reveal that the said land has been classified as 'Bans Bagan'. The panchayat authorities have already issued a stop work notice.

Under such circumstances, as the panchayat authorities have already initiated proceedings by conducting an enquiry on the basis of the complaint of the petitioner, nothing further remains to be decided in the writ petition.

The writ petition is disposed of with a direction upon the competent authority of the Bainchipota Gram Panchayat to conclude the proceedings in accordance with law by following the procedure stated hereinbelow:

- a) An inspection shall be conducted in the presence of the parties, with 48 hours advance notice to the parties. If the parties are not available to accept notice the same shall be affixed at a conspicuous places in their respective premises.
- b) Such report shall be handed over to the parties.
- c) A hearing shall be given to the petitioner and the respondent No.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.
- d) 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 statute.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues shall be decided independently.

In view of the rising pandemic situation, the entire exercise under Section 23 of the West Bengal Panchayat Act, 1973 shall be completed within an extended period of eight 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 server copy of this order.

(Shampa Sarkar, J.)