

S/L 34
15.09.2022
Court. No. 19
sn

W.P.A. 16734of 2021

Sultana Begum
Vs.
The State of West Bengal & Ors.

Mr. Soumitra Banerjee
Mr. Giasuddin Mulla
...for the Petitioner.

None appears on behalf of the respondents despite service. Affidavit-of-service filed in Court today, be kept with the records. 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 issue of unauthorized construction.

The petitioner alleges that the respondent nos.7 and 8 have raised unauthorised construction on L.R. Plot no.168 pertaining to L.R.khatian no.1546 of mouza Banneshwar. The petitioner claims to be the owner of the said land. Reliance has been placed on a decree passed in a civil suit. The petitioner approached the Pradhan of Banneshwar Gram Panchayat by filing a complaint dated August 27, 2021. It is the allegation of the petitioner that the said construction is being raised without following the relevant panchayat laws and the rules framed there under.

This writ petition is disposed of with a direction upon the Banneshwar Gram panchayat to dispose of the

complaint of the petitioner dated August 27, 2021, in accordance with law.

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&8 within three weeks. Advance notice of the inspection shall be served upon the petitioners and the respondent nos.7&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 had been 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&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.

g) The question of right, title and interest of the petitioner shall not be gone into.

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.)