

05.01.2022
Court No. 19
Item no.16
CP

WPA 17848 of 2021

Karun Roy
Vs.
The State of West Bengal & ors.

Mr. Pankaj Halder
Mr. Tapas Manna

.....for the petitioner.

Mr. Susanta Pal
Mr. Prabir Kr. Roy

....for the State.

Affidavit of service is taken on record. Despite service none appears on behalf of the respondents 2 and 4.

The petitioner has alleged that the respondent no. 4 has been constructing a residential house without a sanction plan by encroaching into the pathway of the petitioner.

A complaint has been filed before the Pradhan, Gopalnagar Gram Panchayat, which is at page 14 of the writ petition.

Under such circumstances, the writ petition is disposed of directing the panchayat authorities to do the following:

a) An inspection of the site shall be made.

Such inspection shall be held in the presence of the parties, with 48 hours

advance notice to the petitioner and the respondent No. 4.

- b) The report of the inspection shall be prepared.
- c) Such report shall be handed over to the petitioner as also the respondent no. 4.
- d) A hearing shall be given to the petitioner and the respondent No. 4. The parties must also be allowed to furnish their written objection/version to the said report and make oral and documentary submissions as also adduce evidence in support of their contentions before the competent authority.
- e) 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 provisions of Section 23 of the West Bengal Panchayat Act, 1973.

The court has not gone into the merit of the claims and counter-claims of the parties and the issues shall be decided by the panchayat authorities independently.

In view of the rising pandemic situation, the entire exercise shall be completed within a period of

eight months from the date of communication of this order.

It is made clear that the question of title, encroachment over the pathway and blockage of the ingress and egress of the petitioner shall not be decided by the panchayat authorities. The enquiry in this matter shall be restricted strictly to the complaint of raising unauthorized construction without a valid sanction plan/permission from the panchayat authorities.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)