

S/L 24
24.11.2022
Court. No. 19
GB

W.P.A. 18462 of 2021

Sri Remesh Chandra Mahato @ Ramesh Mahato & Anr.
VS
The State of West Bengal & Ors.

Mr. Goutam Kr. Das,
Mr. Dipanjan Datta,
Mr. Atanu Basu.

...for the Petitioners.

Mr. Himadri Sikher Chakraborty,
Ms. Debdooti Dutta.

...for the State.

The Court appreciates the efforts of the Officer-in-Charge, Jhargram Police Station, who has produced the Pradhan of Lodhasuli Gram Panchayat before the Court.

The Pradhan appears in-person and submits that she was not aware of consequences of not appearing before the Court with necessary documents.

She submits that on receipt of a copy of the writ petition, a local enquiry was made. It transpired from the enquiry that some thatched structures existed on Plot No.202 of Mouza-Lodhsuli. Some structures were also found on Plot Nos.273 and 274. According to the adjacent plot owners, it transpired that the said structures may have been erected under a housing scheme. The Pradhan also submits that further enquiry would be necessary to ascertain the exact position and the nature of construction.

Although, the panchayat law exempts construction under the housing scheme, such construction has to be made as per the model/drawing supplied in terms of the said scheme by the concerned monitoring authority and/or

implementing authority. The panchayat authorities are only required to ensure that such plan is followed.

The writ petition is disposed of with the following directions:-

- a) The competent gram panchayat shall make an inspection of Plot nos.202, 273 and 274 of Mouza-Lodhsuli in presence of the petitioner and the respondent nos.9 to 12. In case the structures on Plot no.202 are found to be thatched/temporary structures and not made of bricks, no steps shall be taken in respect of the same.
- b) In case the structures on Plot Nos.273 and 274 are under the PMAY scheme, in that event the panchayat authorities would not have any role to play and no steps shall be taken in respect thereof either.
- c) If it is found that there are structures on the abovementioned plots which are neither 'kachcha' structures nor constructed under any housing scheme, the panchayat authorities shall proceed in respect of the said constructions under Section 23 of the West Bengal Panchayat Act, 1973. A hearing shall be given to all concerned and thereafter steps shall be taken.

A reasoned order shall be passed and communicated to all concerned. The entire exercise shall be completed within a period of two months from date of communication of this order.

Upon conclusion of the proceedings before the gram panchayat, if it transpires that the petitioner has made allegations in respect of a construction under a housing scheme, in that event the petitioner must approach the concerned Block Development Officer with his allegations and the Block Development Officer shall dispose of the complaint within a period of two months from receipt of the complaint of the petitioner.

One of the specific complaints of the petitioner is that the respondent nos.9 to 12 did not have any right, title and interest in respect of the abovementioned plots of land and without establishing a semblance of title on the basis of some records, the respondent nos.9 to 12 could not have been enlisted as beneficiaries under the scheme.

Personal appearance of the Pradhan is dispensed with.

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.)