

16.03.2022

Sl. No. 26

ss

W.P.A. 18520 of 2021

Ashoke Ghosh

Vs.

The State of West Bengal & ors.

Mr. Gouranga Kumar Das

... for the petitioner

Mr. Swapan Banerjee

Mr. Sougata Mitra

... for the State

Affidavit of service filed in Court today, be kept with the record. Despite service none appears on behalf of the respondent no.6 and 7. The matter is being disposed of in the absence of respondent no.6 and 7 as no mandatory directions are being passed, affecting the rights of the said respondents.

The petitioner alleges that the Pradhan, Kalikapur-II Gram Panchayat had not granted permission to the petitioner to construct a privy and a bathroom on the portion of the premises occupied by the petitioner in L.R. Dag No.3067 pertaining to L.R. Khatian No.659/2 of Mouza Sahebpur, Police Station Sonarpur, District South 24-Parganas.

It is submitted that the petitioner along with respondent nos.6 and 7 have inherited the property. The petitioner and the respondent nos.6 and 7 had been enjoying their demarcated portion, which has been amicably demarcated by an oral partition. It is

further submitted that the oral partition, has been acted upon.

It appears that the petitioner had written a letter to the concerned Gram Panchayat in September, 2021. However, it does not appear from the records that the approach was made in accordance with the provisions of law. No drawing of plan has been annexed to the writ petition to persuade this Court to come to a decision that an application in the appropriate form had been filed before the concerned Gram Panchayat.

Under such circumstances, the writ petition is disposed of with liberty to the petitioner to apply before the concerned Gram Panchayat in accordance with law and if such application is made, the same shall be disposed of by the concerned Gram Panchayat upon giving an opportunity of hearing to the petitioner, the respondent no.6 and 7 and any other interested party. The parties shall be allowed to file their written versions and adduce oral and documentary evidence in support of their respective claims and counter-claim, at the hearing. Thereafter, a reasoned order shall be passed and communicated to the parties within a period of three months from the date of receipt of the application of the petitioner.

There will be no order as to costs.

All parties are to act on the basis of the server copy
of this order.

(Shampa Sarkar, J.)