9.9.2022
Sl.No.132
sn

WPA 17972 of 2019

Budhu Sekh
Vs.
The State of West Bengal & Ors.

Mr. Sarbanandu Sanyal
Ms. Poulumi Chakraborty
..for the petitioner

. Despite service, none appears on behalf on behalf of the respondents. Let the affidavit of service be taken on record. As this Court is not passing any mandatory directions, but is relegating the matter back to the authorities, this writ petition is disposed of in the absence of the said respondents.

As no affidavit in opposition has been called for, the allegations in this writ petition are deemed to be denied by the respondents.

The allegation is an unauthorised construction has been made by the respondent no.6. Reply under the Right to Information Act, 2005 provided by the Pradhan, 5, Raninagar-I Gram Panchayat, has been referred to by the petitioner.

Without going into the merits of the allegation made by the petitioner, this writ petition is disposed of, granting liberty to the petitioner to file a composite application before the office of the Pradhan, 5, Raninagar-I Gram Panchayat with his allegations. If such complaint is filed, the competent authority of the concerned Gram Panchayat shall

dispose of the same, in accordance with law, independently.

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 no.6, within three weeks. Advance notice of the inspection shall be served upon the petitioner and the respondent no.6. 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 no.6. 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. The question title, ownership and encroachment 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.)