

S/L 40  
20.09.2022  
Court. No. 19  
sn

W.P.A. 20713 of 2021

Sayed Mortej & Anr.  
Vs.  
The State of West Bengal & Ors.

*Mr. Bhagabat Chowdhury*  
*Sk. Toslim Alm*  
*Ms. Sawa Parween* ..for the petitioners  
  
*Mr. Manas Kundu*  
*Mr. Debabrata Mondal* ..for the State

Despite service, none appears on behalf of the respondent nos. 5 to 9. Let the affidavit of service be taken on record.

As this Court is not inclined to pass any mandatory directions as prayed for, but is relegating the matter back to the authorities concerned, the writ petition is disposed of in their absence.

The petitioners alleges that the respondent nos.6 to 9 have raised certain unauthorized construction. It is alleged that despite having been informed about the said construction, the authorities of Amta Gram Panchayat have not taken any steps. The allegation is that the construction has been raised without any permission from the panchayat authorities and without conversion of the land from 'Shali' to 'Bastu'. The other allegations raised by the petitioners with regard to their right, title and interest, cannot be gone into by this Court.

Without going into the merits of the dispute raised, the writ petition is disposed of with a direction upon the Amta Gram Panchayat to consider and dispose of the representation of the petitioners dated November 9, 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 petitioners and the respondent nos.6-9 within three weeks. Advance notice of the inspection shall be served upon the petitioners and the respondent nos.6-9. 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 petitioners and the respondent nos.6-9. 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 of right, title and interest 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.)**