

S/L 47
20.09.2022
Court. No. 19
sn

W.P.A. 20981 of 2021

Kartick Chandra Bera
Vs.
The State of West Bengal & Ors.

Mr. Prasenjit Mukherjee *..for the petitioner*

Mr. Sudipta Panda
Mr. Sajal Kr. Pandit *..for the State*

Mr. Tanmay Basu
Mr. Monoj Adak *..for the respdt. 8*

Affidavit-of-service filed in Court today, be kept with the records.

The petitioner alleges that the respondent no.8 has made certain construction on an undivided plot of land which is classified as Shuna. It is alleged that neither any conversion has been made nor any permission has been taken from the authorities. It is also stated that the consent of the other co-sharers had not been obtained.

Without going into the merits of the disputed questions which has been raised by the petitioner, the writ petition is disposed of with a direction upon the panchayat authorities of Bainchipota Gram Panchayat to dispose of the representation of the petitioner dated November 23, 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 petitioner

and the respondent no.8 within three weeks. Advance notice of the inspection shall be served upon the petitioners and the respondent no.8. 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.8. 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.

g) 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.

A copy of the writ petition along with a server copy of this order be served upon the concerned gram panchayat for necessary compliance.

The police report be taken on record.

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.)