

S/L 108
23.09.2022
Court. No. 19
GB

W.P.A. 21258 of 2022

Sri Naru Gopal Das & Ors.
VS
The State of West Bengal & Ors.

*Mr. Samiran Giri,
Mr. Binay Kr. Das,
Mr. Birendra Nath .*

...for the Petitioners.

*Mr. Lalit Mohan Mahata,
Mr. Rudranil De.*

...for the State.

*Mr. Ziaul Haque,
Mr. Manish Kr. Das.*

...for the Respondent No.10.

Mr. Kamal Mishra.

...for the Panchayat Authority.

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

The writ petition is disposed of with a direction upon the Sub-Divisional Officer, Contai Sub-Division to dispose of the matter relating to the alleged unauthorized construction over Dag Nos.1262 and 1264, in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

Pursuant to a direction of this Court, proceedings were initiated by the Pradhan in-charge of Janka Gram Panchayat in respect of the said construction of the petitioner. The Pradhan in-charge called the petitioners for a hearing.

Mr. Mishra, learned advocate for the panchayat authorities submits that the petitioners did not appear before the panchayat authorities. Mr. Mishra further submits that documents indicating that the construction was under the Indira Awas Yojona, were not filed by the petitioner. Thus

the claim for exemption from the applicability of the West Bengal Panchayat Act, 1973, could not be decided by the panchayat authorities. The panchayat authorities found that the construction was without any permission. A resolution to that effect was adopted and the matter was sent to the Sub-Divisional Officer in term of Section 23(5) of the West Bengal Panchayat Act, 1973. The proceeding before the Sub-Divisional Officer is pending.

The Sub-Divisional Officer shall dispose of the issue in accordance with law, upon granting an opportunity to both the parties and the Gram Panchayat to make their submissions. At the hearing, the parties will be at liberty to file their written versions and necessary documents. After conclusion of the hearing a reasoned order shall be passed and communicated to all. Necessary steps as per law shall be taken.

The entire exercise shall be completed within a period of four months from 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 server copy of this order.

(Shampa Sarkar, J.)