

07.11.2022
Court No. 19
Item no.31
CP

WPA No. 22582 of 2022

Munshi Md. Hanif
Vs.
The State of West Bengal & Ors.

Mr. Ramij Munsif
... for the petitioner.

Mr. Sudipto Panda
Mr. Subrata Ghosh
....for the State.

Mr. Rittick Chowdhury
Ms. Arpita Chatterjee
....for the respondent no. 7.

Affidavit of service is taken on record.

The writ petition is disposed of with a direction upon the Pradhan, Talpur Gram Panchayat to dispose of the representation dated March 5, 2021 which is Annexure P-2 at page 16 of the writ petition. While doing so, the following procedure shall be adopted:

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent no. 7. An advance notice of the inspection shall be served upon the petitioner and the respondent no. 7 and all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a

conspicuous place in the 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 was 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. 7. 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, will 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

Section 23 of the West Bengal Panchayat Act.

The court has not gone into the merits of the claims and the issues involved shall be decided independently.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The question of title, possession and boundary etc. shall not be decided by the panchayat authorities. The only question to be decided by the panchayat authorities, would be whether the construction has been made in violation of Section 23 of the West Bengal Panchayat Act, 1973 and also the rules framed thereunder.

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