

09.09.2022
Sl. No.145(ML)
srm

W.P.A. No. 20769 of 2019
Sri Pradip Deb
Vs.
The State of West Bengal & ors.

Mr. Sital Samanta

....for the Petitioner.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of any of the respondents.

As this Court is not inclined to pass any mandatory directions, as prayed for by the petitioner in the writ petition, but is relegating the entire dispute before the competent authority under law, the writ petition is disposed of in their absence.

The petitioner has alleged unauthorised construction by the respondent No.6. The petitioner claims to be the adjacent land owner. The petitioner approached the Pradhan of Garhbeta Gram Panchayat, District-Paschim Medinipur, by filing a representation dated October 21, 2019, which is annexure P-3 to the writ petition.

Under such circumstances, the writ petition is disposed of with a direction upon the concerned gram panchayat to act and proceed in accordance with law by

disposing of the representation dated October 21, 2019.

While doing so, the concerned gram panchayat shall adhere to the following procedures:-

- a) An inspection of the site shall be conducted. Such inspection shall be held in the presence of all interested parties, with 48 hours advance notice to the petitioner and all interested parties and also the respondent No.6.
- b) The report of the inspection shall be prepared along with the sketch map, indicating the extent of deviation, if any.
- c) Such report shall be handed over to the petitioner as also the interested parties.
- d) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and is continuing, the authorities may take interim measures by stopping such construction.
- e) A hearing shall be given to the petitioner and all other interested parties. 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.

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 provisions of Section 23(5) of the West Bengal Panchayat Act, 1973.

The question of title, possession, encroachment, etc. shall not be decided by the panchayat authorities.

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

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)