

16.11.2022
Sl. No.13(DL)
srm

W.P.A. No. 22935 of 2022

Bhaskar Ghosh

Versus

The State of West Bengal & Ors.

Mrs. Pampa Dey

....for the Petitioners.

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

As this court is not inclined to pass any mandatory directions as prayed for, the writ petition is taken up in their absence.

The petitioner alleges that the respondent No.9 has been raising an unauthorised construction without leaving the statutory side space.

Under such circumstances, without going into the merits of the writ petition, the Gopinathpur Gram Panchayat, District-Bankura is directed to dispose of the representation of the petitioner dated September 9, 2022, which is annexure P-5 to the writ petition, in accordance with law. While doing so, the gram panchayat shall adhere to the following procedure:-

- a) An inspection of the site shall be conducted. Such inspection shall be held in the presence of all parties, with 48 hours advance notice to the petitioner and the respondent Nos.9.
- 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 all 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 continuing, the authorities may take interim measures by stopping such construction.
- e) A hearing shall be given to the petitioner and all the 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 entire exercise shall be completed within a period of four months from the date of communication of this order.

The question of title, possession, encroachment, etc. shall not be gone into.

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.)