

7.11.2022
Court No. 19
Item No.40
sn

WPA 23052 of 2022

Purushattam Jana & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti

Ms. Jayatri Basu Roy

.....for the petitioners

Mr. Raja Saha

Mr. Shaim Ul Bari

..for the State

Mr. Ayan Chakraborty

Mr. Dhilon Sengupta

..for the respondent no.3

Mr. Jayanta Samanta

Ms. Karunamayee Samanta

..for the respondent no.8

This writ petition is disposed of with a direction upon the Lakshya-II Gram Panchayat to make an inspection of the premises in question in presence of the parties pursuant to the notice dated June 20, 2022 issued by the Pradhan. Although the petitioners failed to comply with the above notice, this Court is of the view that one last opportunity should be given to the petitioners to be present at the inspection to be held in presence of the parties including the respondent no.8. Such inspection shall be made by an authorised representative of the gram panchayat. The extent of unauthorised and illegal construction as determined shall be intimated to the

parties, in the form of a report along with a sketch map.

The petitioners will be at liberty to file their objection along with supporting documents and thereafter a reasoned order shall be passed and communicated to all.

The inspection shall be made within a period of three weeks from the date of communication of this order with advance notice to the parties.

As the inspection made earlier did not disclose the details of the unauthorized construction, this order is being passed.

If it is found that there are unauthorised constructions the matter and the decision of the gram panchayat shall be referred to the Sub Divisional Officer in terms of Section 23(5) of the West Bengal Panchayat Act, 1973. The Sub Divisional Officer shall conclude the entire proceeding in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

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

This Court is of the view that one last opportunity should be given to the petitioners to be present at the inspection and make their submissions in support of their claim at the hearing

as they were absent at the hearing in the earlier round.

The notice of self demolition which is under challenge is set aside as the same is contrary to the provisions of Section 23(5) of the West Bengal Panchayat Act, 1973.

As no affidavit has been called for, the allegations are deemed to be denied.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order.

(Shampa Sarkar, J.)