

16.11.2022
Sl. No.26
sn

W.P.A. No. 23955 of 2022

Bapon Maity

Vs.

The State of West Bengal & Ors.

Md.Wasim Akram
Sk. Md.Sakik Ali for the Petitioner.

Mr. Malay Singh
Mr.Bibekananda Tripathy
...for the State-respondents.

The petitioner alleges that the Palaspai-II Gram Panchayat had illegally broken down the shop room of the petitioner without granting a hearing and without any reasons. He relies on an order passed by the learned Executive Magistrate under Section 144(2) of the Code of Criminal Procedure.

Mr. Singh, learned advocate for the State respondents refers to a notice of hearing which was issued to the petitioner. He urges that the petitioner did not attend the meeting although called upon to do so.

Such disputed questions of facts cannot be decided. The questions whether the shop room was demolished in accordance with law or not and whether such shop had been constructed on the petitioner's land with proper permission or was on

government land, cannot be decided in this proceeding.

The petitioner has approached the Block Development Officer, Khanakul-II Development Block, by filing a representation dated September 9, 2022. The said representation shall be considered and disposed of in accordance with law upon hearing the petitioner and the Pradhan of the concerned gram panchayat.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the concerned Block Development Officer so that the order of this Court is complied with as directed hereinabove. A reasoned order shall be passed and communicated to all.

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

The writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)