

M/L 39
13.12.2022
Court. No. 19
GB

W.P.A. 24824 of 2022

Subhadip Manna & Ors.
VS
The State of West Bengal & Ors.

*Mr. Tapash K. Bhattacharya,
Mr. Aviroop Bhattacharya.*

...for the Petitioners.

*Mr. Jahar Lal De,
Ms. Smita Das De.*

...for the State.

*Mr. Anjan Garjan,
Mr. Akash Dutta.*

...for the Respondent Nos.3 & 4.

Affidavit-of-service filed in Court today, be kept with the record.

In compliance of the order passed by a coordinate Bench of this court in WPA No.6368 of 2021 dated March 25, 2021, the Pradhan of Basudevpur Gram Panchayat initiated a proceeding and had arrived at a conclusion that the construction on Plot No.173, was illegal.

The petitioners submit that such order was passed without hearing the petitioners. The petitioners claim to be co-sharers in respect of Plot No.173.

Admittedly, the construction was made without any sanction. Thereafter, the Pradhan forwarded the documents to the Sub-Divisional Officer in terms of the Section 23(5) of the West Bengal Panchayat Act, 1973.

The law provides that before the Sub-Divisional Officer passes any order of demolition of such unauthorized construction, the persons aggrieved must be heard.

Under such circumstances, the petitioners will get adequate opportunity before the Sub-Divisional Officer to ventilate their grievances and submit all supporting documents in support of their claims. The Sub-Divisional Officer shall hear all the parties including the petitioners, the Pradhan and the co-sharers interested in the construction on Plot No.173 of Mouza-Bachhipur. A reasoned order shall be passed and communicated to all concerned.

Needless to mention, steps shall be taken in accordance with law.

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