

S/L 57
19.12.2022
Court. No. 19
sn

W.P.A. 25366 of 2022

Suniti Bala Naiya
VS
The State of West Bengal & Ors.

Mr. Bapin Baidya

...for the Petitioner.

Mr. Pankaj Haldar

...for the respondent Nos. 10&11

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

The petitioner alleges that the respondent nos. 10 to 13 have raised certain unauthorized construction on Plot no. 2312 of mouza Ghoradal. According to the learned advocate for the petitioner, the land had not been converted from Doba to Bastu. The respondent nos. 10 to 13 raised unauthorized constructions without any sanction. Such allegation is denied and it is submitted that the construction was in accordance with a plan approved by the panchayat. These disputed questions of fact cannot be decided in this writ petition.

A representation was filed before the Pradhan, Laxmi Narayanpur Dakshin Gram Panchayat dated September 5, 2022. The said representation is yet to be disposed of.

This writ petition is disposed of with a direction upon the concerned Gram Panchayat to dispose of the representation of the petitioner dated September 5, 2022 in accordance with law.

While doing so, the following procedure shall be adopted:-

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent nos.10 to 13. An advance notice of the inspection shall be served upon the petitioner and the respondent nos. 10 to 13 and all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.
- b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was either without permission or without conversion and had been continuing, the authorities may take such interim measures by stopping such construction.
- c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.
- d) Such report shall be handed over to the parties. The questions of right, title, possession and boundary disputes, shall not be decided by the panchayat authorities.
- e) A hearing shall be given to the petitioner and the respondent nos.10 to 13. 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. All points raised by either party, will be decided.

- 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 accordance with law.

The court has not gone into the merits of the claims of the petitioner and the issues of unauthorized construction and illegal conversion involved shall be decided independently, upon hearing the parties.

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