

S/L 58
20.12.2022
Court. No. 19
sn

W.P.A. 25393 of 2022

Sk. Rahim Box
VS
The State of West Bengal & Ors.

Md. Khairul Basar Bulbul
Md. Kamal Jahirujzzaman
Sk. Aptabuddin

...for the Petitioner.

Mr. Uday Shankar Bhattacharyya
Mr. Dilip Kumar Mondal

..for the respondent no.7

Ms. Sima Adhikari
Ms. Kakali Naskar

..for the State

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

The petitioner alleges that the respondent no.7 had
raised certain unauthorized constructions on plot no. 501,
J.L. No. 71 corresponding to L.R. Khatian no. 2576 of mouza
Kharsarai. Allegation is that conversion of the land had not
been made.

Learned advocate for the respondent no.7 submits
that the conversion of the land was obtained from the
competent authority and the construction was also made in
accordance with law.

As there are disputed questions of facts, this Court is
of the view that the representation of the petitioner being
Annexure P/2 at page 14 of the writ petition must be
disposed of in accordance with law by Begunpur Gram
Panchayat.

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 no.7. An advance notice of the inspection shall be served upon the petitioner and the respondent no.7 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 without permission 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 no.7. 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 terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

The court has not gone into the merits of the claims of the petitioner and the issues 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.

In view of the disposal of the writ petition, CAN 1 of 2022 is also 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.)