

20.12.2022  
Court No. 19  
Item no.07  
CP

WPA No. 27668 of 2022

Madan Mondal  
Vs.  
The State of West Bengal & Ors.

Mr. Anirban Datta

...for the petitioner.

Mr. M. Kundu  
Mr. Debabrata Mondal

...for the State.

Mr. Baidurya Ghosal  
Ms. Avipsha Dutta Roy

....for the respondent nos. 6 and 7.

Despite service, none appears on behalf of the respondent nos. 9 to 11.

As the Court is not inclined to pass mandatory directions as prayed for in the writ petition, but is relegating the entire dispute for adjudication by the competent authority under law, the writ petition is taken up in their absence.

The petitioner alleges that the respondent nos. 9 to 11 have raised separate constructions on L.R. Dag No. 130 of Mouza – Khosbagh without any permission from the panchayat authorities. It is further submitted that L.R. Dag No. 130 belongs to the panchayat and has been recorded in the name of the Dahapara Gram Panchayat. The classification of the land is 'Dahar'. Reference is made to Section 25

of the West Bengal Panchayat Act, 1973 in support of the contention that the panchayat authorities have been empowered by law to remove all encroachments from public street, drains etc. which are under their control and management.

Mr. Ghosal, learned advocate for the respondent nos. 6 and 7, submits on instruction that the parties have already been called for a hearing and necessary steps shall be taken strictly in accordance with law. It is further submitted that the enquiry also revealed that the construction by the petitioner was also without any plan.

However, the court is not inclined to go into the merits of the issues involved as the panchayat authorities are already in seisin of the matter.

The writ petition is disposed of by directing the panchayat authorities to complete the entire process which has been initiated by following the principles of natural justice. A reasoned order shall be passed and communicated to all. Steps shall be taken strictly in accordance with law.

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.)**