

S/L 13
11.01.2023
Court. No. 19
GB

W.P.A. 2 of 2023

Khagendra Nath Ghosh
VS
The State of West Bengal & Ors.

Mr. Kaushik Dey,
Mr. Sutirtha Das

...for the Petitioner.

Mr. Srijan Nayak,
Ms. Rituparna Maitra

...for the State.

Mr. Soumik Ganguli,
Mr. Supriyo Shasmal,
Mr. Sayan Roy

...for the Respondent No.7.

The petitioner alleges inaction on the part of the Sub-Divisional Officer, Jhargram. Upon coming to a finding of unauthorized construction on L.R. Plot No.44 of Mouza-Khudmorai, the panchayat authorities referred the matter to the Sub-Divisional Officer for further steps under Section 23(5) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the 'said Act'). Such step was taken by the panchayat authorities on July 29, 2022.

It is alleged that till date, the Sub-Divisional Officer has not taken any steps. The petitioner relies upon a reply given by the SPIO and the Revenue Officer, Nayagram which indicates that no conversion of land had taken place.

The panchayat authorities came to a finding that the construction was in violation of Section 23 of the said Act and also Rule 26 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

Moreover no permission for construction could be granted by the panchayat authorities unless the land on which such construction was made had been converted to Bastu.

Mr. Ganguli raises the question of deemed sanction.

The Sub-Divisional Officer, Jhargram is directed to act and proceed in terms of Section 23(5) of the said Act and conclude the matter upon coming to a specific finding. Such conclusion shall be arrived at upon hearing the parties. The parties are at liberty to make their submissions before the authority. A reasoned order shall be passed and communicated to the parties. Thereafter, follow up steps shall be taken in accordance with law.

The police report filed in Court is taken on record.

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