

01.05.2023  
Court No. 19  
Item 54  
CP

WPA No. 90 of 2021

Arun Kumar Kundu  
Vs  
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee  
Mr. Gautam Banerjee  
Ms. Chumki Das Bairagya  
... for the Petitioner.

Despite service, none appears on behalf of the respondent nos. 3, 4 and 7 to 9.

As this court is not inclined to pass any mandatory directions as prayed for, but deems it fit to relegate the matter to the permission granting authority, this writ petition is taken up in their absence.

The court does not find any illegality in the action of the panchayat authorities. On the basis of the complaint of villagers with regard to the alleged construction of the petitioner, the panchayat authorities allegedly issued a 'stop work notice' and asked the petitioner to appear for hearing.

A co-ordinate bench had also directed the petitioner to appear before the authority for a hearing with regard to the dispute involved.

The order impugned, which has been passed by the concerned gram panchayat, indicates that the

petitioner did not attend the hearing proposed to be held by the Pahalanpur Gram Panchayat.

Neither the sanction plan nor the stop work notice have been annexed to the writ petition which would lead the court to come to a conclusion that the panchayat authorities had acted illegally by issuing the alleged 'stop work notice' when a building plan had been sanctioned. As the court had already directed the petitioner to appear before the authority and the authority had been directed to grant a hearing to the petitioner and pass necessary orders, the said exercise must be completed.

The writ petition is disposed of with a direction upon the Pahalanpur Gram Panchayat to fix another date of hearing. Notice to be issued to the petitioner and also to the respondent nos. 7, 8 , 9 and other interested parties so that they may appear at the hearing and make their respective submissions.

The concerned gram panchayat shall hold an inspection in the presence of all the parties before such hearing. A report of such inspection shall be prepared and supplied to the parties so that the parties may respond to the same.

A reasoned order shall be passed and communicated to all concerned.

The court has not gone into the merits of the claims.

The entire exercise shall be completed within a period of three 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.)**