

28.2.2023
Ct.19/sl.17
sn

W.P.A. 2724 of 2023

Tapan Kumar Sahana

Vs.

The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Santanu Majhi
Mr. Diptendu Mandal
Mr. Mridul Biswas
...for the Petitioner

Mr. Malay Krishna Dey
Mr. Srinath Singha Roy
..for the State
Ms. Sanjukta Basu Mallick
..for the respondent no.4

Despite service, none appears on behalf of the respondent no.7. Let the affidavit of service be taken on record.

This writ petition is disposed of in the absence of the respondent no.7. This Court is relegating the matter before the authority for a decision. The competent authority will decide the issues upon hearing all the interested parties including the respondent no.7. Thus, no prejudice will be caused to the said respondent.

The petitioner alleges that the Pradhan of Berugram Gram Panchayat, had failed and neglected to discharge her function in terms of Section 21A(p) of the West Bengal Panchayat Act, 1973. According to the petitioner, the respondent no.7 illegally quarried sand from the riverbed of Damodar and was

using the petitioner's private land for such business. The panchayat authorities failed and neglected to take steps in spite of receiving the complaint of the petitioner.

Section 21A(p) of the West Bengal Panchayat Act, 1973 empowers the gram panchayat as also casts a duty upon the said authority to share information with regard to any unlawful practice in trade and business within panchayat area. As the panchayat authority failed to take steps on the basis of the complaint of the petitioner in respect of the actions of the respondent no.7, the writ petition has been filed seeking directions upon the Berugram Gram Panchayat.

The police report is taken on record. It appears that a lease had been granted to a firm named and styled as "Rainbow Infrastructure & Housing Development Limited" for arranging sand on the riverbed.

The petitioner had also initiated a proceeding before the learned Sub Divisional Executive Magistrate under Section 144(2) of the Code of Criminal Procedure. The police authority did not find any incident of breach of peace and submitted a report accordingly.

Learned advocate for the Pradhan submits that the dispute is entirely private in nature, between

relatives. The petitioner and the respondent no.7 are co-sharers of the disputed land through which a passage has been created for business purpose.

Under such circumstances, no order can be passed on the Pradhan of Berugram Gram Panchayat.

This order shall not prevent the petitioner from approaching the competent authority in accordance with law as also the competent civil court.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)