

14.3.2023
Ct.19/sl.3
sn

W.P.A. 2924 of 2023

Icha Nabi Molla

Vs.

The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
..for the petitioner
Mr. Narayan Chandra Bhattacharyya
Ms. Sujata Ghosh
..for the State

Even on the second attempt, the respondent no.11 could not be served.

The petitioner has alleged that the respondent no.11 had raised an unauthorized construction on LR plot no.157 of mouza Shubudhipur. A representation was filed before the Pradhan, Debipur Gram Panchayat. The petitioner claims to be a co-sharer in respect of the plot in question.

As the prayer of the petitioner is for consideration of such representation, no useful purpose would be served to keep the writ petition pending.

This writ petition is disposed of with a direction upon the Debipur Gram Panchayat to dispose of the representation of the petitioner dated January 11, 2023, which is Annexure P/5 at page 37 of the writ petition, and pass a reasoned order in accordance with law. Every opportunity shall be given to the respondent no.11 to contest the proceeding.

The disposal of the said representation shall be made with prior intimation to the petitioner and the respondent no.11. An inspection shall be held in presence of the petitioner and the respondent no.11. The petitioner and the respondent no.11 shall be given ample opportunity to place their respective cases before the authority. A reasoned order shall be passed and communicated to all. Thereafter, the concerned authority shall proceed in accordance with law under Section 23 of the West Bengal Panchayat Act, 1973, if any unauthorized construction is detected.

It is made clear that the entire issue shall be decided independently upon hearing the parties and upon considering all documents that shall be filed by the parties at the time of hearing.

The question of right, title, interest, co-shareship, encroachment etc. shall not be gone into.

This Court has not gone into the merits of the claims of the petitioner.

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.)