

S/L 6
15.3.2023
Court. No. 19
sn

W.P.A. 4804 of 2023

Sk. Firoj Ali
VS
The State of West Bengal & Ors.

Mr. S.M. Ismail
Mr. Alokesh Dalai

...for the Petitioner.

Mr. Malay Singh
Ms., Neelam Singh

...for the State.

Mr. Dev Kumar Sharma

..for the respdts.3-5

Kotalpur Gram Panchayat shall dispose of the representation of the petitioner which is Annexure P/7 at page 40 of the writ petition in accordance with law.

The issues to be decided would be, whether the alleged construction on a “Pukur Paar” being plot no.566/1180 of mouza Ganeshbati, had been done upon obtaining conversion to “Bastu” and with permission from the panchayat authorities.

The issue of easement right, block of passage and other similar disputes, shall not be gone into.

While doing so, the following procedure shall be adopted:-

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent no.10. An advance notice of the inspection shall be served upon the petitioner and the respondent no.10 and all on other interested

parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.

- b) In case, it is found on preliminary inspection, that there may be reasons to believe that the construction was without permission and had been continuing, the authorities may take such interim measures by stopping such construction.
- c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.
- d) Such report shall be handed over to the parties. The questions of right, title, possession and boundary disputes, shall not be decided by the panchayat authorities.
- e) A hearing shall be given to the petitioner and the respondent no.10. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions, before the competent authority. All points raised by either party, will be decided.
- f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

The court has not gone into the merits of the claims of the petitioner and the issues involved shall be decided independently, upon hearing the parties.

The entire exercise shall be completed within a period of four months from date of communication of this order.

The learned advocate on record for the petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the Kotalpur Gram Panchayat.

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.)