

14.03.2023
Court No. 19
Item no.14
CP

W.P.A. No. 5111 of 2023

Utpal Kumar Roy & ors.

Vs.

The State of West Bengal & Ors.

Mr. Rajnil Mukherjee
Mr. Mastafizur Rahaman
Ms. Debolina Sarkar
Ms. Priti Chakraborty

....for the petitioners.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das

....for the State.

Despite service, none appears on behalf of the respondent no. 9.

As this court is not inclined to pass any mandatory orders, but is relegating the matter to the Gazole – I Gram Panchayat for necessary enquiry and decision, this matter is taken up in his absence.

The petitioners allege that a construction had been raised by the respondent No.9 on Plot No. 579 of Mouza – Gazole, J. L. No. 83, without any permission.

The Gazole – I Gram Panchayat shall make an enquiry and ascertain whether the construction on Plot No. 579 of Mouza – Gazole had been sanctioned by the concerned gram panchayat or not. Before

such decision is taken, a joint inspection shall be made.

If it appears during inspection that the said construction is more than 6.5 metres in height and the plinth area is more than 300 sq. metres, the matter shall be referred to the concerned zilla parishad for necessary action. The zilla parishad shall, thereafter, complete the entire exercise as directed herein.

Identification of the plot will be made with the help of the concerned Block Land & Land Reforms Officer. An amin shall demarcate the land. The mouza maps and other land records shall be consulted. All such action shall be taken in the presence of the parties.

A report of inspection shall be prepared and handed over to the parties. Parties shall be allowed to file their written versions.

A hearing shall be given in accordance with law. A reasoned order shall be passed and communicated. Steps shall be taken on the basis of the findings, as per the provision of the Panchayat Act.

The question of title, boundary dispute, encroachment etc. shall not be gone into. The only issue to be decided would be whether the

construction on L.R. Plot No. 579 was on the basis of a sanctioned plan and/or in deviation of such plan.

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.)