

29.03.2023
Court No. 19
Item no.59
CP

W.P.A. No. 6966 of 2023

Biswajit Pal

Vs.

The State of West Bengal & Ors.

Mr. Soumik Ganguli

Mr. S. Nandy

Ms. Chandana Chakraborty

....for the petitioner.

Mr. Susanta Pal

Ms. Ananya Neogi

.....for the State.

Mr. Dyutiman Banerjee

....for the respondent no. 9.

The petitioner alleges that the respondent no. 9 had raised an unauthorized construction on L.R. Dag No. 665 of Mouza – Namjgram without permission and without conversion from ‘sali’ to ‘bastu’.

The writ petition is disposed of with a direction upon the Khirkundi Namajgram Niala Gram Panchayat to treat the writ petition as a representation and decide the allegation of construction without permission and without conversion, in accordance with law.

While doing so, the authorities will follow the procedure stated hereinbelow:

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent no. 9. An advance notice of the inspection shall be served upon the petitioner and the respondent no. 9 and on all 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 was continuing, the authorities may take such interim measures by stopping such construction.
- c) A 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.
- e) A hearing shall be given to the petitioner and the respondent no. 9. 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.

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

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

The disputes with regard to title, possession and boundary etc., shall not be decided by the panchayat authorities.

A copy of the writ petition along with a server copy of this order be served upon the concerned gram panchayat for necessary compliance 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.)