

24.04.2023
Court No. 19
Item no.16
CP

W.P.A. No. 8182 of 2023

Shyamal Kumar Mandal

Vs.

The State of West Bengal & Ors.

Mr. Balailal Shao
Mr. Sukhendu Banerjee
Mr. Dilip Kr. Mandal

....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. P. B. Mahata

....for the State.

Mr. Soumik Ganguli
Ms. Chandana Chakraborty

.....for the respondent no. 10.

It appears that the petitioner had approached this court on several occasions with different prayers.

Mr Ganguli, learned advocate appearing on behalf of the respondent no. 10, submits that the Block Development Officer had already enquired into the matter pursuant to a direction of this court and had found that the construction was on the plot of land in respect of which the benefit under PMAY (G) had been granted, i.e., Plot No. 897/1634.

Upon hearing the learned advocates for the respective parties and upon going through the reports, it now appears that the only contention of the petitioner is that the construction of the

respondent no. 11 under the PMAY Scheme was on a different plot and not on the plot in respect of which the money had been sanctioned.

The petitioner is at liberty to approach the Block Development Officer, Hingalganj Block for necessary directions and orders. If such representation is filed, the same shall be disposed of in accordance with law, upon granting adequate opportunity of hearing to all the parties.

It is made clear that an inspection in the presence of the parties shall be held. All the parties shall produce their respective documents with regard to their right, title and interest in respect of the land in question so that a decision can be arrived at as to whether the respondent no. 11 had constructed on the plot in respect of which funds under the PMAY (G) Scheme had been disbursed or elsewhere. A reasoned order shall be passed and communicated to the parties. Necessary steps shall be taken as per law. The issue of recovery of possession and removal of encroachment shall not be decided in case the construction is found on another plot and not the plot in which the scheme was sought to be implemented.

This court has not gone into the issues involved in this proceeding. In view of the fact that a fresh adjudication is required on the short question

mentioned hereinabove, all other decisions that may have been taken by the authorities earlier, shall not be binding and shall not influence the proceeding.

The entire exercise shall be completed within a period of six weeks from the date of receipt of the application of the petitioner.

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.)