

20.04.2023
Court No. 19
Item no.15
CP

WPA 8634 of 2023

Shyama Prasad Porel
VS
The State of West Bengal & Ors.

Sk. Toslim Ali
Ms. Saba Parween
... for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata
... for the State.

Mr. Soumya Basu Roychawdhuri
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
... for the Respondent No. 8.

The writ petition is disposed of with a direction upon the Sub-Divisional Officer, Uluberia, Howrah to act and proceed in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

Pursuant to a direction of this court passed in WPA 22489 of 2019, the panchayat authorities initiated proceedings in terms of Section 23(5) of the West Bengal Panchayat Act, 1973. A decision was arrived at and forwarded to the Sub-Divisional Officer.

It is submitted that the Sub-Divisional Officer is yet to take steps in accordance with law.

Without entering into the merits of the allegation made with regard to the unauthorized

construction, the Sub-Divisional Officer shall take necessary steps in compliance with the principles of natural justice and in terms of the provisions of law and pass a reasoned order. The said order shall be communicated to all the parties.

Steps shall be taken on the basis of the order to be passed.

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

The time period mentioned hereinabove shall be treated as mandatory.

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.)