

15.05.2023
Sl. No.14(DL)
srm

W.P.A. No. 9442 of 2023

Mulchand Lal Barnwal

Versus

The State of West Bengal & Ors.

Mr. Bibek Chatterjee,
Ms. Paramita Sahu,
Mr. Tanmoy Chakraborty,
Ms. Mahasweta Mukherjee,
Ms. Susmita Saha

....for the Petitioner.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De,
Ms. Ankita Mukherjee

...for the State-respondents.

Mr. Sabyasachi Mukhopadhyay,
Ms. Koushikee Banerjee

...for the Respondent Nos.6, 7 & 8.

Despite service, none appears on behalf of the panchayat authorities. Affidavit-of-service is taken on record.

The allegation of construction in violation of an order of *status quo*, cannot be adjudicated either by this Court or by the panchayat authorities. The petitioner is at liberty to approach the learned civil court with his allegations and pray for necessary directions.

The contention of the petitioner that the respondent Nos.6 to 8 have been raising construction unauthorisedly

on LR Plot No.116 of mouza Bagjola, without any permission from the Bagjola Gram Panchayat, North 24-Parganas, have not been averred in the writ petition.

The representation filed by the petitioner also does not indicate that the grievance of the petitioner that the construction was without any permission had been raised before the authority.

Moreover, the petitioner has alleged that three different persons have raised three structures. Without any details of such constructions a single representation was filed before the panchayat authorities.

Under such circumstances, no order can be passed in the writ petition.

The petitioner is granted liberty to approach the Bagjola Gram Panchayat, North 24-Parganas, in respect of the alleged constructions. If such objection is filed, the same shall be disposed of in accordance with law upon granting an opportunity of hearing to all the interested parties.

It is made clear that if the petitioner has any grievance against three separate constructions, then separate objections should be raised before the panchayat authority concerned and the authority shall dispose of each of these objections separately and in accordance with law

by taking recourse to Section 23(5) of the West Bengal Panchayat Act, 1973.

The entire exercise shall be completed within a period of three months from the date of receipt of the petitioner's representation.

A copy of the writ petition along with a server copy of this order be served upon the Secretary, Bagjola Gram Panchayat, North 24-Parganas.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)