

18.05.2023
Court No. 19
Item 17
CP

W.P.A. No. 11784 of 2023
Puspendu Bikash Kamila
Versus
The State of West Bengal & Ors.

Mr. Manoranjan Jana
Ms. Mitali Jana

....for the Petitioner.

Mr. Naba Kumar Das
Mr. Subhabrata Das

....for the State.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent nos. 2, 7, 8 to 16.

As this court is not inclined to pass any mandatory directions as prayed for, but deems it fit to relegate the matter to the permission granting authority, this writ petition is taken up in their absence.

As the Pradhan, Talgachhari No. 1 Gram Panchayat has already intimated the petitioner by a letter dated February 28, 2023 that no permission for construction had been granted in respect of Dag Nos. 155, 156, 157, 158 and 166 of Mouza – Bagpura, the gram panchayat is directed to proceed in respect of any construction on the said lands, in accordance

with law, upon following the procedure stated hereinbelow:

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent nos. 8 to 16. An advance notice of the inspection shall be served upon the petitioner and the respondent nos. 8 to 16 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 nos. 8 to 16. 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.
- g) Needless to mention, the competent authority will demolish the structure if any unauthorized construction is detected, after the entire process is over.

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.

The police report is taken on record.

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.

Parties are also directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)