

April 20, 2023
Sl. No.A 151
Court No.19
s.biswas

WPA 16211 of 2022

Anita Chowdhury
vs.
The State of West Bengal and others

Mr. Dilip Kumar Sengupta,
Mr. Debopriyo Samanta,
Ms. Tithi Paul, Advocates

... for the petitioner

Mr. Soumak Bera

...for the Respondent No.
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The Sub-Divisional Officer will complete the proceedings relating the alleged unauthorized construction in terms of Section 23(5) of the West Bengal Panchayat Act, 1973 within a period of six weeks from the date of communication of this order.

Before hearing all the concerned parties, the parties shall be entitled to file their relevant documents, so that the Sub-Divisional Officer can pass an order upon consideration of the facts.

An order had been passed by the Hon'ble Division Bench of this Court permitting the respondent No.8 to file his documents. There is no reason as to why the Sub-Divisional Officer has not yet proceeded with the matter.

The Court has not gone into the correctness of the allegation made by the petitioner with regard to the unauthorized construction. The Sub-Divisional Officer will decide the issue independently on the basis of the records forwarded by the Gram

Panchayat as also the documents to be filed by the respective parties.

It is made clear that the Sub-Divisional Officer will intimate the next date of hearing to the parties. On the next date, the parties will submit written notes if they wish to do so along with documents. Thereafter, final order shall be passed. Steps shall be taken in accordance with law, by the Sub-Divisional Officer, upon conclusion of the proceeding.

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

(Shampa Sarkar, J.)