

May 3, 2023
Sl. No.A 111
Court No.19
s.biswas

WPA 18798 of 2022

Buddhadeb Jana

vs.

The State of West Bengal and others

Mr. Shaunak Ghosh
Mr. Anindya Sundar Das
Ms. Sanchita Roy Sardar

... for the petitioner

Ms. Sipra Majumder
Ms. Sangeet Roy

... for the State

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the respondent nos.9 and 10.

As the Court is not inclined to pass any mandatory direction as prayed for, but deems it fit to relegate the matter to the permission granting authority for determination of the allegations of erroneous grant of sanction, the writ petition is taken up in the absence of the respondent nos.9 and 10.

The petitioner has challenged the sanction plan granted by the Nandapur Baraghuni Gram Panchayat in favour of the respondent nos.9 and 10, over a plot of land which has been allegedly classified as 'jal'.

Reference is made to the record of rights which has been annexed to the petition. The dispute is with regard to plot no.2255 corresponding to LR

Khatian no.3215, in mouza-Mallarpur, J.L. No.100, Nandigram-III Block.

In the absence of the parties, it is not possible for the Court to ascertain the correctness of the allegation made.

Under such circumstances, the writ petition is disposed of with a direction upon the Nandapur Baraghuni Gram Panchayat to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law.

If it is found that the panchayat authorities had wrongly granted permission, contrary to the provisions of Section 26 of the West Bengal (Gram Panchayat Administration) Rules, 2004, steps shall be taken in accordance with law.

Before coming to the conclusion, all the parties including respondent nos.9 to 10, shall be given an opportunity of hearing. Parties will be at liberty to place documents and conversion certificate, if any. Information from the concerned Block Land and Land Reforms Officer with the latest classification of the land and the latest record of rights, shall be obtained. Thereafter, a hearing shall be given to all the parties and necessary orders shall be passed. If the allegations are found to be correct, on the basis of hearing, steps should be taken in respect of the said sanction.

The Court has not expressed any opinion on the merits of the contention of the petitioner. The entire issue shall be decided independently, on the basis of the record of rights and the information supplied by the Block Land and Land Reforms Officer, Chandipur-III Block.

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.)