

25 26.09.2023
rkd Ct.15

W.P.A. 26006 of 2014

Bagala Prasad Banerjee

-vs-

The State of West Bengal & Ors.

Mr. Ambar Nath Banerjee,
Ms. Leena Panja,
Ms. Amrita Panja Moulick

....for the petitioner.

Mr. Uttam Kumar De

....for the respondent no.3.

Mr. Jayanta Samanta,
Mr. Manas Sadhu

....for the State.

In the writ petition notice dated 8th July, 2014 issued by the erstwhile Prodhan of Barshal Gram Panchayat, District-Birbhum is under challenge. Vide notice dated 8th July, 2014 Prodhan of the aforesaid Gram Panchayat informed the petitioner as well as one Sridam Kumar Saha to remain present for demarcation of land in order to resolve the dispute mutually between the petitioner and said Sridam Kumar Saha.

Said notice dated 8th July, 2014 is questioned by the petitioner on the ground that under the provisions of West Bengal Panchayat Act, 1973 and rules framed thereunder the said Prodhan is not authorised to issued such notice for settlement of the issue upon demarcation of the land in question.

Previously the Court directed to file report by the said Prodhan. Accordingly, a report in the form of affidavit affirmed on 25th September, 2023 is filed in Court which is taken on record.

In paragraph 3 of the said report it has been admitted by the present Prodhan of Barshal Gam Panchayat that under misconception of law said notice was issued on 8th July, 2014 and it is also stated in paragraph 4 of the report that in consideration of the issue involved in this writ petition centers around such notice dated 8th July, 2014 the said notice is withdrawn.

In view of aforesaid stand taken on behalf of Barshal Gram Panchayat as it emanates from paragraphs 3 & 4 of the report which has been filed in the form of affidavit no order need be passed on this writ petition in view of withdrawal of the impugned notice dated 8th July, 2014.

In view of withdrawal of notice dated 8th July, 2014 by the concerned authority of aforesaid Gram Panchayat the decision which was taken as contained in the impugned notice not to make any construction stands set aside.

Accordingly, the writ petition stands disposed of.

However, there shall be no order as to

costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)