

Item No.278(ML)
23.04.2024
S.H.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A.2662 of 2024

**Avijit Bhandary
-versus
Haripada Ashutosh Gram Panchayat & Ors.**

**Mr. Prasenjit Burman
Ms. Payal Koley
Mr. Swapnesh Mallick
...For the Petitioner.**

**Mr. Amal Kumar Sen, ld. AGP
Ms. Sahina Sumi
... for the State.**

**Mr. B.C. Das
... for the respondent no.5.**

The petitioner complains that the private respondent has raised construction over the Panchayat road. The private respondent denies the allegation of the petitioner.

From the documents annexed to the writ petition it appears that an earlier writ petition was filed by the petitioner being WPA 12765 of 2021 which stood disposed of on September 7, 2022 by directing the Panchayat to take steps in accordance with the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

It has been submitted that the order passed by the Court has not been complied till date. The petitioner prays for implementation of the direction passed in the order dated September 7, 2022 in WPA 12765 of 2021.

Learned advocate representing the private respondent submits that the land in question whether the construction has been made is the private land of the private respondent and no unauthorized construction has been made.

The Gram Panchayat is not represented.

Leave granted to the learned advocate-on-record of the petitioner to implead the Block Development Officer of the concerned block as party respondent in the instant writ petition and serve a copy of the writ petition upon the added respondent.

The Block Development Officer shall cause a spot inspection upon prior notice to the petitioner, private respondent and the panchayat to ascertain as to whether the land where the construction is alleged to be made is a Panchayat road or not.

If it is found that it is a private passage in between the land of the petitioner and the private respondent or private pathway of the inhabitants of the locality, the same shall be mentioned in the report of the Block Development Officer.

The spot inspection report shall be circulated amongst the parties. An opportunity of hearing shall be given to the necessary parties to produce documents in support of their respective stand.

If it ultimately transpired that the land in question is a public land and the private respondent has raised construction on the public land, then steps shall be taken by the Panchayat to deal with such unauthorized construction in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)