

08.07.2024
Item No. 39
Crt.No.02
b.r.

WPA 8572 of 2024

Panchanan Das
-vs-
The State of West Bengal & Ors.

Mr. Bharat Chandra Semai
.... For the petitioner.

Mr. S.T. Mina
Mr. Debottam Das
.... For the State.

Affidavit of service filed in Court today, is taken on record.

Mr. Bharat Chandra Semai, learned advocate appears for the petitioner.

Mr. S.T. Mina, learned advocate appears for the State-respondents.

Despite notice, the private respondent is not represented. The law presumes that, the private respondent does not intend to oppose this writ petition.

The petitioner complains of an alleged unauthorized and illegal construction on the subject piece of land at the behest of the private respondent nos.8. The petitioner submitted a representation dated **March 11, 2024 annexure p-3 at page-14** to the writ petition before the Prodhan of the concerned Panchayat and the same has not been considered.

Considering the above, the Prodhan of the concerned Panchayat is directed, upon issuing a prior notice to the petitioner and the private respondent no.8 to cause a physical inspection of the alleged unauthorized and illegal construction and then after giving them an opportunity of hearing shall dispose of the said representation dated **March 11, 2024**, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the Prodhan of the concerned Panchayat positively within a period of **six weeks** from the date of communication of this order. The Prodhan then shall communicate the reasoned order to the petitioner and the private respondent positively within further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner mentioned in the said representation. The petitioner and the private respondents shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the Prodhan of the concerned Panchayat but the same shall not travel beyond the scope of the alleged unauthorized and illegal construction.

In the event, the reasoned order confirms the alleged unauthorized and illegal construction, the Prodhan of the concerned Panchayat positively within a period of **seven days** from the date of communication of the said reasoned order to the parties shall transmit the same and refer the matter before the jurisdictional **Sub-Divisional Officer** in terms of **Sub-Section (5) to Section 23 of the West Bengal Panchayat Act, 1973**.

The jurisdictional Sub-Divisional Officer shall then take all necessary and consequential steps to give an immediate effect to the said reasoned order, without any delay expeditiously in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive his claim in terms of his representation with regard to the alleged unauthorized and illegal construction.

The petitioner shall serve a copy of this order upon the jurisdictional **Block Development Officer** who shall ensure that, the direction of this Court is carried out and complied with by the Prodhan of the concerned Panchayat.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 8572 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)