

36 10.6.2024
Sc Ct. no.2

WPA 12899 OF 2023
With
I.A. No. CAN 1 OF 2023
With
I.A. No. CAN 2 OF 2024

Aloka Naskar (Paul)

Vs.

The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Goutam Sardar
Mr. Himadri Sekhar Paul
Mr. Goutam Malik.

.... For the Petitioner

Md. Mansoor Alam
Mr. Arun Kumar Saha.

.... For the Respondents
State

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

The petitioner complains that, the local Panchayat
authority has caused an illegal and unauthorized
construction over and above the land of the petitioner.

Referring to the representation dated **May 23,**
2023, Annexure-P2 at page 16 to the writ petition
learned counsel for the petitioner submits that, no
attention had been paid to the said representation
submitted by the petitioner and the alleged unauthorized
construction is still there on the land of the petitioner.
The record shows that, on June 1, 2023 when the writ

petition was moved the local Panchayat authority was not represented and, accordingly, the Court directed the petitioner to serve a notice. The affidavit-of-service shows notice has been served but of course quite some time back.

Even today, none appears for the local Panchayat authority.

Considering the submissions made on behalf of the petitioner and the State respondents and considering the materials on record to subserve justice the respondent no.6 upon issuing a prior notice of hearing of at least **seven days** to the petitioner, the respondent no.9 and the respondent no.2 (the Prodhan of the gram Panchayat) shall decide the said representation of the petitioner dated **May 23, 2023, Annexure-P2 at page 16** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent no.6 positively within a period of **six weeks** from the date of communication of this order. The respondent no.6 then shall communicate its reasoned order to the parties referred to above positively within a 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 in any manner

and all the relevant parties 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 respondent no.6.

This order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive her claim strictly in accordance with laws.

In the event the reasoned decision goes in favour of the petitioner, then the Prodhan of the concerned Panchayat shall take all necessary steps and consequential steps in accordance with law to give effect thereto positively within a period of ***four weeks*** from the date of communication of the said reasoned order.

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 12899 of 2023*** stands disposed of, without any order as to costs.

Consequently the connected applications, ***I.A. No. CAN 1 of 2023*** and ***I.A. No. CAN 2 of 2024*** stand disposed of.

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

(Aniruddha Roy, J.)