

14.06.2024
Ct. No. 2
Sl. No. 76
tbsr

WPA 14408 of 2023
Niranjan Mistri
Vs.
State of West Bengal & Ors.

Mr. Krishna Prasad Mazumder
Mr. Sreekumar Chakraborty
....for the petitioner
Mrs. Sucharita Roy
Mr. Prashant Kumar Tripathi
....for the State

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

The petitioner complains of an unauthorized and
illegal construction on a piece of land fully described in
paragraph 2 read with **prayer (a)** to the writ petition.

Drawing attention to a communication dated
May 11, 2023 at page 31 to the writ petition, learned
counsel for the petitioner submits that the Pradhan had
confirmed the unauthorized and illegal construction, as
alleged by the petitioner, was without any sanctioned
building plan, still the Pradhan has not taken any steps
in accordance with law.

Mrs. Suchorita Roy, learned State counsel
appears for respondent nos. 1, 2 and 4. She submits a
report dated **August 6, 2023** issued under the seal and
signature of the Inspector-in-Charge, New Town Police
Station, the same is taken on record. The said police

report has also confirmed the subject construction was upon encroachment of the land of the petitioner.

None appears for the concerned Panchayat or its Pradhan, despite notice. The reasonable presumption in law is that they do not intend to defend the writ petition.

None appears for the private respondent nos. 5 and 6, despite notice, at whose behest the illegal and unauthorized construction had been caused as alleged by the petitioner.

Learned counsel for the petitioner has confirmed this Court that no civil suit is pending touching the subject piece of land of whatsoever nature.

After considering the submissions made on behalf of the parties and upon perusal the materials on record the Panchayat Pradhan is directed to call a meeting upon prior notice of at least 7 days to the petitioner and the respondent nos. 5 and 6 and on perusal of the records shall give a reasoned decision in presence of the parties as mentioned herein.

The pradhan then after passing the said reasoned decision shall transmit the same and refer it before the jurisdictional Sub-divisional Officer in accordance with **Sub-Section (5) to Section 23** of the **West Bengal Panchayat Act, 1973**.

The entire exercise as directed above shall be carried out and completed by the Pradhan positively

within a period of **four weeks** from the date of communication of this order.

The jurisdictional Sub-divisional Officer then take all necessary and consequential steps to redress the grievance of the petitioner completely positively within a period of **eight weeks** from the date of receipt of the said reference from the Pradhan under **Sub-Section (5)** to **Section 23** of the **Act** strictly in accordance with law.

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

A copy of the said order along with a copy of the writ petition shall be served upon the jurisdictional Sub-Divisional Officer by the petitioner forthwith and the Sub-Divisional Officer shall ensure that the exercise as directed above is carried out by the Pradhan of the concerned Panchayat within the time directed herein.

With the above directions and observations, this writ petition **WPA 14408 of 2023** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)