

04.07.2024  
Ct. No. 2  
Sl. No. 9  
tbsr

**WPA 15959 of 2024**

**Haragobinda Nayak & Ors.  
Vs.  
The State of West Bengal & Ors.**

Mr. Dhiman Ray  
Mr. Dip Chanda  
....for the petitioners

Mr. Srijan Nayak  
Mrs. Rituparna Maitra  
....for the State

Mr. D. K. Adhikari  
Mr. Debdip Adhikari  
....for the respondent no. 9

Mr. Dhiman Ray, learned counsel appears for the petitioners.

Mr. D. K. Adhikari, learned counsel appears for private respondent no. 9.

Mr. Srijan Nayak, learned State counsel appears for respondent nos. 1 to 8. Learned State counsel places a police report dated **June 26, 2024** issued under the seal and signature of Inspector in Charge, Lalgarh Police Station, the same is taken on record.

The petitioners complain of alleged unauthorized and illegal construction allegedly on the bank of the pond of the petitioners' at the behest of the private respondent no. 9. He submits that a representation dated **April 18, 2024, Annexure P-2 at**

**page 22** to the writ petition was submitted before the Pradhan of the concerned Gram Panchayat and the same has not yet been considered.

Mr. Adhikari, learned counsel appearing for private respondent no. 9 submits that, the private respondent is permitted to occupy the said piece of land by the petitioners and the Pradhan had permitted the private respondent to erect temporary structure with adbestor shed and accordingly, the construction has been done.

Learned counsel for the petitioners has denied and disputed the said submissions of the private respondent.

After considering the rival contentions of the parties and perusal of the materials on record, the Pradhan of the concerned Panchayat is directed upon issuing a prior notice to the petitioners and the private respondent to cause a physical inspection of the alleged unauthorized construction and then upon giving them a hearing shall decide the said representation dated April 18, 2024 as referred to above by passing a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried on by the Pradhan positively within a period of **six weeks** from the date of communication of this

order. The Pradhan then shall communicate the reasoned order to the petitioners and the private respondent no. 9 positively within a 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 rival contentions of the parties as recorded above, and the petitioners and the private respondent no. 9 shall be at liberty to urge by relying upon whatever documents and records they wish to rely upon before the Pradhan.

In the event, the reasoned order confirms the unauthorized and illegal construction, the Pradhan positively within a period of **one week** from the date of communication of the reasoned order to the parties shall communicate 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 Sub-Divisional Officer then shall take all necessary and consequential steps to give an immediate effect to the said reasoned order expeditiously and without any delay 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.

It is made clear that this order shall not create any right or equity in favour any of the parties as referred to above, if the parties do not succeed to their respective contentions strictly in accordance with law.

The petitioners 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 Pradhan.

With the above observations and directions, this writ petition, **WPA 15959 of 2024** 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.)**