

26.06.2024
Item No. 17
Crt.No.02
b.r.

WPA 16058 of 2024

Sri Ganesh Samanta & Ors.
-vs-
The State of West Bengal & Ors.

Ms. Chaitali Bhattacharyya
Mr. Mrinal Kanti Ghosh
Mr. Kartik Chandra Kapas
..... for the petitioners.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
.... For the State.

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

Ms. Chaitali Bhattacharyya, Learned counsel, appears for the petitioners.

Mr. Debjit Mukherjee, learned counsel, appears for the respondent nos. 1 to 4, 7 and 7.

None appears for the Prodhan and private respondent no.10, despite notice.

The law presumes they do not intend to defend this writ petition.

The other respondents are also not represented.

The petitioners complains of an alleged unauthorized and illegal construction on the subject piece of land at the behest of the private respondent. The petitioners submitted a representation dated **May**

21, 2024 at page-22 to the writ petition to the Prodhan but the same has not yet been considered.

After considering the submissions made on behalf of the parties and on perusal of the materials on record, this Court directs the Prodhan of the concerned Gram Panchayat upon serving notice on the petitioners and the private respondent to cause a physical inspection of the alleged unauthorised construction and then after granting them an opportunity of hearing shall dispose of the said representation dated **May 21, 2024**, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out 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 petitioners and the private respondent 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 claim of the petitioners as mentioned in the said representation and the petitioners and the private respondent 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 but the same shall not travel beyond the scope of the said representation dated **May 21, 2024**.

In the event, the reasoned order confirms the alleged unauthorized and illegal construction, the Prodhan positively within a **seven days** from communication of the said 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.

It is made clear that this order shall not create any right or equity in favour of the petitioners, if the petitioners are not eligible to receive their claim in terms of the said representation, strictly in accordance with law.

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

A police report dated June 26, 2024 issued under the seal and signature of the Officer-in-Charge, Daspur Police Station, the same is taken on record.

With the above observations and directions, this writ petition, **WPA 16058 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)