

20.06.2024
Ct. No. 2
Sl. No. 96
tbsr

WPA 15125 of 2023

Kalu Hembram
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das
Ms. Aparajita Mondal
....for the petitioner

Mr. Sailendra Nath Chakraborty
Mr. Subhendu Sengupta
....for the State

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

Mr. Sailendra Nath Chakraborty, learned State
counsel along with Mr. Subhendu Sengupta, learned
advocate appears for respondent nos. 1 to 6.

Mr. Keshab Chandra Das, learned advocate
appearing for the petitioner referring to the application
dated **April 4, 2023, Annexure P-2 at page 12** to the
writ petition along with the appended document
thereto submits that, the petitioner applied for a
sanctioned building plan before the Pradhan of the
concerned Panchayat but the said application has not
yet been considered. Referring to a document of
record of right, **Annexure P-1 at page 11** to the writ
petition, the petitioner seeks to claim ownership on the
subject piece of land.

None appears for the Panchayat or the Pradhan, despite notice. The law presumes that they do not intend to oppose this writ petition.

In view of the above, to sub-serve justice, the Pradhan of the concerned Gram Panchayat, respondent no. 7, herein, is directed to consider the said application of the petitioner in accordance with law by giving a reasoned decision. It is pertinent to note that the record of right does not confer any title on land, it is merely a revenue document relating to the land. While considering the issue the Pradhan shall call upon the petitioner to produce the title documents undoubtedly showing the title of the petitioner on the subject land on which the petitioner seeks to construct his structure by obtaining sanction plan. The Pradhan must record his satisfaction with reasons about the right and title of the petitioner on the subject land.

If the Pradhan feels necessity for production of any other document by the petitioner, the Pradhan may call upon the petitioner to do so and the petitioner shall render his assistance to the Pradhan.

The entire exercise, as directed above, shall be carried out and completed by the Pradhan positively within a period of **six weeks** from the date of communication of this order strictly in accordance

with law. The Pradhan then shall communicate its reasoned decision to the petitioner within a further period of **two weeks** from the date of reasoned decision to be taken.

It is made clear that this Court has not gone into the merits of the writ petition with regard to the claim of the petitioner regarding sanction plan.

It is further 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 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.

The petitioner shall serve a copy of today's order upon the respondent no. 5 along with a copy of the writ petition, who shall ensure that the direction of this Court is carried out by the Pradhan.

With the above observations and directions, this writ petition, **WPA 15125 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.)