

WPA 19455 OF 2023

Koppur Dolui

Vs.

The State of West Bengal & Ors.

Mr. Sk. Toslim Ali

....For the Petitioner

Mr. Ashim Kr. Ganguli

Ms. Jyotsna Roy Mukherjee.

....For the Respondent

Nos. 1 to 4

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

Mr. Sk. Toslim Ali, learned advocate appears for the petitioner.

Ms. Jyotsna Roy Mukherjee, learned counsel appears for the respondent nos. 1 to 4.

The Panchayat, its Pradhan and the private respondent nos. 7 and 8 are not represented, despite notice. The law presumes that, they do not intend to defend this writ petition.

This is the second round of writ litigation alleging unauthorized and illegal construction at the behest of the private respondents.

In the first writ petition a coordinate Bench by its order dated **April 25, 2023, Annexure-P2 at page 15** to

the writ petition disposed of **WPA 16045 of 2022** by directing the concerned Panchayat to consider the representation of the petitioner dated **July 1, 2022** in accordance with law and in terms of the guidelines framed thereunder. **Clauses (a) to (f)** appearing at **pages 16 and 17** to the writ petition are the relevant guidelines framed by the coordinate Bench.

Drawing attention to a communication dated **June 7, 2023, Annexure-P3 at page 18** to the writ petition the petitioner submits that, the **Field Verification Report** was sent to the petitioner and thereafter no further direction was carried out by the Pradhan of the concerned Panchayat.

In view of the above, the Pradhan of the concerned Panchayat is directed to pass the reasoned order following the guidelines of the coordinate Bench dated **April 25, 2023** and communicate the reasoned order to the petitioner within a period of **four weeks** from the date of communication of this order.

The Pradhan shall begin its exercise from the point where it is left outstanding, strictly in terms of the guidelines framed by the coordinate Bench as referred to above.

The petitioner shall serve a copy of this order upon the respondent no.4 and the Pradhan of the concerned Panchayat. The respondent no.4 shall ensure that, the directions of this Court and the said coordinate Bench are

fully complied with and carried out by the Pradhan of the concerned Panchayat.

In the event the Pradhan is of the opinion that, unauthorized and illegal construction is there, the Pradhan shall immediately refer the matter before the jurisdictional **Sub-Divisional Officer** in terms of **Sub-Section (5) to Section 23** of the **Panchayat Act, 1973**, The jurisdictional **Sub-Divisional Officer** then shall take all steps 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 the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 19455 of 2023** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)