

04.07.2024
Item No. ml.79
Crt.No.02
b.r.

WPA 21502 of 2023

Bimal Kumar Bhounick & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Sandipan Das
Mr. Badrul Karim
.... For the petitioners.

Mr. Ayan Banerjee
Mr. Arijit Sarkar
... for the State.

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

Mr. Sabyasachi Chatterjee, learned counsel appears for the petitioners.

Mr. Arijit Sarkar, learned counsel appears for the respondent nos. 1 to 4.

The other respondents including the Panchayat and its Prodhan are not represented, despite notice. The law presumes they do not intend to defend this writ petition.

Referring to **annexurep-4 at page-29** to the writ petition and representation dated **July 10, 2023 at page-32** to the writ petition, learned counsel for the petitioners submits that though the petitioners have applied for and made two representations separately to obtain sanction plan for a construction at the subject

piece of land, the Prodhan has not paid any attention thereto and same are kept pending.

In view of the above, the Prodhan of the concerned Gram Panchayat upon notice to the petitioners shall cause a physical inspection of the site where the construction is proposed and then upon giving them an opportunity of hearing shall decide the said two representations as referred to above by passing a reasoned order in accordance with law.

The Prodhan shall carry out and complete the entire exercise positively within a period of **six weeks** from the date of communication of this order. The Prodhan shall then communicate its reasoned order to the petitioners within a further period of **two weeks** from the date of passing of the said reasoned order.

In course of the hearing, if any necessary addition or alteration is suggested by the Prodhan in accordance with law, the petitioners shall be at liberty to comply with such suggestions of the Prodhan.

It is made clear that this Court has not gone into the merits of the writ petition.

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 further 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 on account of sanction plan they are claim, strictly in accordance with law.

With the above observations and directions, this writ petition, **WPA 21502 of 2023** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)