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16.02.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28218 of 2023

**Dr. Ardhendu Sinharay
-versus
The State of West Bengal & Ors.**

**Mr. Saumyen Datta
...For the Petitioner.**

**Mr. Sayan Sinha,
Mr. Adil Naser.
...For the Private Respondent.**

**Mr. Keshab Chandra Das,
Mr. Tapan Dutta Gupta,
Ms. Aparajita Mondal,
Mr. Biplab Adak.
...For the Respondent
Nos. 7 and 8.**

The petitioner is aggrieved by the reasoned order passed by the Babnan Gram Panchayat on 30th March, 2023 allegedly in compliance of the direction passed by a coordinate Bench of this Court in WPA 23102 of 2022 (Dr. Indranil Sinharoy -vs- The State of West Bengal & Ors.).

The issue relates to certain unauthorized constructions encroaching the public road.

The State authorities were of the opinion that there are three unauthorized constructions. A sketch map to highlight the unauthorized constructions was prepared at the instance of the Revenue Inspector under the Block Land and Land Reforms Officer. It

appears that just by the side of the metal road there is a thakurtala (mandir), next comes a club and the third one is a private building all of which have been found to be encroaching the public land.

The owner of the private building is before this Court challenging the order of demolition.

The Gram Panchayat appears to have afforded opportunity of hearing to all the parties and conducted inspection. The Panchayat was of the considered opinion that the unauthorized constructions are liable to be removed. Today is the date of demolition that has been fixed by the Panchayat.

Prima facie it does not appear that the order passed by the Panchayat is not in accordance with law. On the contrary, it appears that the said order was passed upon giving reasonable opportunity of hearing to all the necessary parties. The petitioner's submission that the modalities for measurement and field verification were improper was also taken into consideration by the Panchayat.

The Panchayat mentions that the technicalities of measurement by an expert are not within the domain of the concerned Panchayat Authority. The Writ Court cannot enter into any factual dispute that the petitioner seeks to raise before this Court.

Moreover, the impugned order was issued long back and the same is in compliance of the direction passed by a coordinate Bench of this Court. Accordingly, the Court is not minded to interfere with the reasoned order.

The Panchayat is directed to proceed with the demolition and start demolition from the very first encroachment that is reflected in the hand sketch prepared by the State respondents i.e., the mandir and then the club and thereafter the private building.

The Panchayat shall place the compliance report before the Bench taking up the contempt matter being WPCRC 9 of 2022.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)