

16.04.2025
Ct. No.21
Item No.01
(P.A.)

W.P.A. 13422 of 2023

Nilay Saha
Vs.
The State of West Bengal & Ors.

Mr. Sankar Paul,
Mr. Gautam Malik
Ms. Kumari Shipra Roy
...for the Petitioner
Mr. Amal Kr. Sen, Ld. AGP,
Ms. Ashima Das
...for the State
Mr. Pratik Majumdar,
Mr. Abul Mullick
...for the Respondent No. 4
Mr. Tapash. K. Bhattacharya,
Mr. Aviroop Bhattacharya
...for the Respondent No. 7

Though an inspection report dated 26.7.2024 has been filed by the Pradhan, Karimpur-1 gram panchayat (respondent No.4) but a layout plan which has been annexed is dated 23.4.2024, as such the inspection report does not bear a sketch map indicating the extent and nature of unauthorized construction, if any.

In such circumstance the Pradhan, Karimpur-1 gram panchayat is directed to conduct a fresh inspection in the following manner:

a) Such inspection shall be held in presence of the petitioner and the respondent No. 7 (private respondent) within four weeks. Advance notice of the inspection shall be

served upon the petitioner and the respondent No.7.

b) The report of such inspection shall be prepared along with a sketch map indicating the extent and nature of unauthorized construction, if any.

c) Such report shall be handed over to the parties.

d) An opportunity of hearing shall be given to the petitioner and the respondent No.7.

e) The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contention before the competent authority. All points raised by either party shall be decided.

f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute.

g) The respondent No.4, the Pradhan of the concerned Panchayat is directed to revisit the issue strictly in terms of the directions and guidelines framed hereinabove.

It is needless to mention that the same authority who had performed the physical inspection of the property earlier shall perform the same in strict compliance of the directions mentioned above.

The respondent No.4, the Pradhan shall carry out and complete the entire exercise as directed above strictly in terms of the directions within a period of eight weeks from the date of communication of this order.

If the finding shows that there is any illegal or unauthorized construction, the respondent No.4 shall positively within one week from the date of passing of the reasoned order shall refer the matter before the respondent No.2, the concerned Sub-Divisional Officer under Section 23 (5) of the West Bengal Panchayat Act, 1973 for necessary action in accordance with law.

The respondent No. 2 in turn shall carry out his statutory obligation positively within a period of eight weeks from the date of such reference being received from the Pradhan.

Since affidavits have not been filed on behalf of the respondent, specifically the private respondent, so, the allegations made in

this writ petition are deemed not to have been admitted by the respondents.

With the above observations and direction this writ petition **WPA 13422 of 2023** stands **disposed of**, without any order as to costs.

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

(Supratim Bhattacharya, J.)