

W.P.A. 22873 of 2024

**Brindaban Halder & Ors.
-Vs.-
The State of West Bengal & Ors.**

Mr. Ramashis Mukherjee
Ms. Aparna Banerjee
Mr. Supratim Banerjee
....for the petitioners

Mr. Pankaj Halder
Mr. Bidish Ghosh
Mr. Sanatan Panja
...for the respondent No. 9

Mr. Gouranga Kumar Das
Ms. Poulami Datta
...for the respondent nos. 7 & 8

Affidavit-of-Service filed in Court today be kept
with the records.

The grievance of the petitioners is directed
against a resolution dated 13 August, 2024 passed
by the concerned Gram Panchayat situated at
Mandirbazar at its general meeting held on 8 August,
2024. By the said resolution, the Sub-Divisional
Officer has been directed to carry out an inspection
as to whether there has been any illegal or
unauthorised construction by the petitioner.

On behalf of the private respondent being the
respondent No.9 and the respondent Nos. 7 and 8,
being the concerned Gram Panchayat it is submitted
that there is no final decision on the aspect of illegal
and unauthorised construction and the matter has
been merely referred to the Sub-Divisional Officer.
The impugned communication dated 13 August,

2024 is simply a reference and no final adjudication on merits has yet been taken by any of the concerned authorities.

In view of the above, WPA 22873 of 2024 stands disposed of by directing the concerned Sub-Divisional Officer, being the respondent No. 3 to act in accordance with law and pass a reasoned order under Section 23(5) of the West Bengal Panchayat Act, 1973 and after giving a right of hearing to all the affected parties, in accordance with law and without being influenced by any observation made in this order.

It is made clear that there has been no expression on the merits of the case and the respondent No. 3 is to act strictly in accordance with law and conclude the above exercise within 8 (eight) weeks from the date of communication of this order.

It is submitted by the respondents that there is no question of any coercive action at this stage of the proceeding.

Since affidavits have not been invited, the allegations made in the writ petition are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)