

04-03-2020
Court No.3
10/saroj

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 393 OF 2020

**Indian Institute of Legal Studies. . .Petitioner.
Vs.
The State of West Bengal & Ors..Respondents.**

Mr. Joyjit Chowdhury,
Mr. Rohit Agarwal.

. . .For the Petitioner.

Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman.

. . .for the State.

Affidavit of service filed in Court today be taken on record.

The petitioner is a College imparting legal education and has approval under Sections 2(f) and 12B of the University Grants Commission Act, 1956.

The petitioner had constructed a four-storied building with due approval and sanctioned plan from the Patharghata Gram Panchayat and Siliguri-Jalpaiguri Development Authority. In the month of December, 2013 the petitioner submitted a revised plan before the respondent No.2 for installation of a lift in the said building.

The petitioner alleges that the said Panchayat authority till date has not approved such revised plan, though under Section 75 of West Bengal (Panchayat Samity Administration) Rules, 2008, it will be deemed that such permission has been accorded.

The respondent No.2 ought to have taken a decision with regard to the approval of the revised sanction plan for installation of the lift in terms of Rule 74 of the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008.

Accordingly, this writ application is disposed by directing the respondent no.2 to consider the approval of the revised plan for installation of the lift as submitted by the petitioner within a period of two weeks from date. The said Panchayat authority will approve such revised plan within the aforementioned period if the revised plan is otherwise found to be in accordance with law.

The writ petitioner being WPA 393 of 2020 is disposed of without any order as to costs.

Certified website copy of this order, if applied for, be supplied to learned advocates for the parties on compliance of all requisite formalities.

(KAUSIK CHANDA,J.)