

Court No. 24

**25.02.2021**

(Item No. 132)

(AB)

**W.P.A 1164 of 2021**

Swapan Jana

vs

The State of West Bengal & Ors.

Mr. Kishore Mukherjee

Mr. Sankha Subhra Ray

..... for the petitioner

Mr. Bipin Ghosh

..... for the State

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

The grievance of the petitioner is that his application praying for sanction of the building plan is pending consideration at the end of the Kulpi Gram Panchayat. The petitioner has annexed a receipt issued by the Gram Panchayat on 10<sup>th</sup> September, 2020 in support of the submission that a sum of Rs.3,960/- has been received by the Panchayat on account of building plan approval fee.

The petitioner relies upon provision of Rule 27 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 which requires an enquiry to be made within a period of 30 days from the receipt of the application. As the period of 30 days is long over, the petitioner submits that the plan should be treated as deemed sanction by the Panchayat.

None appears on behalf of the private respondents.

As it appears that the application made for approval of the building plan is pending consideration at the end of the Kulpi Gram Panchayat, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 2, being the Kulpi Gram Panchayat to take steps for taking a decision with regard to the application made by the petitioner for sanctioning the building plan, strictly in accordance with law, after giving an opportunity of hearing to the petitioner within a period of 30 days from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The instructions given by the Block Development Officer, Kulpi Development Block to their learned advocate is retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

**(Amrita Sinha, J.)**