

02.03.2021
SL No. 124
Court No.24
(P.M.)

WPA 2487 of 2021

**Bethuadahari J.C.M. High School
Vs.
The State of West Bengal & Ors.**

Mr. Gurudas Mitra,
Ms. Rita Ganguly
... for the petitioner

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
... for the State

The petitioner is a school. A permission was sought from the Panchayet Samity for making construction of a hostel building of the school. It appears from records that the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti of Nakashipara Panchayet Samity adopted a resolution in their meeting held on 18th June, 2019 and granted post facto approval for construction of the building on the Plot No. 533 of Khidirpur Mouza 9, J.L. No. 48. A formal order has been passed by the Executive Officer of the Nakashipara Panchayet Samiti on 20th June, 2019 granting permission for erection of structure/building or addition/alteration in the existing structure/building being permission No. 011 of 2019-2020 dated 18th June, 2019. The permission for construction was given for occupancy and use as residence of students of the said school.

The petitioner's grievance is that the Prodhan of the Gram Panchayet is not permitting the petitioner to carry on the necessary construction because an order was passed on

28th December, 2018 by the Prodhan of the Bethuadahari Gram Panchayet directing the petitioner to demolish the unauthorised construction which was made.

It appears that a writ petition was filed before this Court being W.P. No. 20272 (W) of 2018 wherein by an order dated 05th December, 2018 the petitioner herein, being the private respondent therein, was restrained from making any construction/repair work in the property until 13th December, 2018. The Court directed that any further construction/repair work shall be effected only if there is permission granted by the Prodhan of the Gram Panchayet concerned.

At present the Panchayet Samiti has granted permission to the petitioner for making necessary construction. The petitioner asserts that they will make construction strictly in accordance with the permission granted and the plan sanctioned by the Panchayet Samiti.

The learned advocate representing the Block Development Officer submits, upon instruction, that permission has indeed been granted and plan sanctioned in favour of the school for making construction of the hostel for residential use of the students of the school.

None appears on behalf of the Prodhan and the private respondent despite service. Affidavit of service filed in Court is taken on record.

As it appears that a permission has already been granted and plan sanctioned in favour of the school for

making the necessary construction and the petitioner asserts that the construction is being made in accordance with the sanctioned plan, accordingly, the instant writ petition is disposed of by permitting the petitioner to make the necessary construction, strictly in accordance with the plan sanctioned by the Panchayet Samiti.

WPA 2487 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)