

Item No. 134

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

23.03.2021
Ct-24

W.P.A. 4954 of 2021
Prahlad Sardar & Ors.

v

The State of West Bengal & Ors.

Ms. Sima Adhikari
... for the petitioners.

Mr. Ashis Guha
Mr. Naren Ghosh Dastidar
... for the State respondents.

The petitioners complain of poor drainage system near their house under the Bakrahat Gram Panchayat.

The petitioners lodged a complaint before the Pradhan of the Gram Panchayat which was not considered. The petitioners thereafter filed representation before the Block Development Officer praying for relief.

The Block Development Officer by a communication dated December 27, 2019 directed the Pradhan to enquire into the matter and submit the action taken report.

The petitioners complain that the same has neither been enquired and no action taken report has been submitted till date.

The petitioners further complain that the private respondents are blocking the drainage system and making pucca construction thereon due to which the foul water is overflowing in the locality, thereby causing an extremely unhygienic situation.

The petitioners again approached the respondent authority by filing a representation dated January 21, 2020 but the same has not been considered by the respondent authority till date.

None appears on behalf of either the Panchayat or the private respondents despite service. Affidavit-of-service filed in Court is taken on record.

As it appears that the Block Development Officer has already directed the Pradhan of the Gram Panchayat to enquire into the matter and file the action taken report which has not been complied with till date, accordingly, the instant writ petition is disposed of by directing the Block Development Officer, Bishnupur-II Development Block being the respondent no. 3 herein to take necessary steps for consideration of the representation filed by the petitioners, strictly in accordance with law, by giving an opportunity of hearing to the petitioners and all other necessary parties, at the

earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The said authority, through the Prodhan, shall ensure that the drainage system remains clear for free passage of sewage water.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated January 21, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 4954 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.

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(Amrita Sinha, J.)