

16.08.2021
Sl. No.5
srm

W.P.A. No. 11715 of 2021
Tarulata Mondal
Vs.
The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury
...for the Petitioner.
Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal
...for the Respondent Nos.6&7.
Mr. Atarup Banerjee,
Mr. Bapin Baidya
...for the Respondent No.8.
Mr. Subrata Ghosh
...for the State.

Affidavit-of-service is taken on record.

The petitioner is aggrieved by the inaction on the part of the appropriate authority of Hari Narayanpur Gram Panchayat, District-South 24-Parganas in dealing with the complaint against the unauthorised construction made by the respondent No.8. Initial complaint of the petitioner was that the respondent No.8 was constructing without a sanction plan.

Both the learned Advocates for the State-respondents and for the Panchayat Authorities submit that subsequently the respondent No.8 has obtained sanction plan for construction of the first floor and the construction has been carried on on the basis of such permission. Block Development Officer, Joynagar-I Block, has also submitted a written instruction through his learned Advocate.

The instruction of the State-respondents as also the copy of the sanction plan of the first floor are produced before this Court by the State-respondents. Let all such documents be kept on record.

The petitioner contends that even if the sanction plan has been granted for the construction of the first floor, an adequate side space has not been kept and this is in violation of the building rules.

Under such circumstances, the petitioner is granted liberty to approach the appropriate authority of the Hari Narayanpur Gram Panchayat by filing a composite application, ventilating her grievances. If such complaint is filed by the petitioner, then the Panchayat authorities shall act and proceed in accordance with law upon hearing the petitioner as also the respondent No.8. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be concluded within a period of 12 weeks from the date of receipt of the complaint of the petitioner.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)