

S/L . 11
1.9. 2021
Court. No. 19
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WPA 12542 of 2021

Chhamad Mondal & Ors.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Mohinoor Rahaman
Ms. Maria Rahaman ...for the Petitioners

Mr. Srijan Nayak
Ms. Rituparna Maitra ..for the State

Mr. Avishek Guha
Mr. Rohit Bhattacharjee ..for the respondent no.7

Mr. Amit Kumar Nag
Mr. Swarajit Dey ..for the respondent no.8

Let affidavit of service be taken on record.

This writ petition has been filed by some of the villagers of Rajendrapur Gram Panchayat. It is alleged that the respondent no.7 has constructed a go-down for storage of LPG cylinders, unauthorisedly. It is further alleged that the panchayat authorities under Rule 31(1)(a) ought not to have granted such permission for erection of the said go-down as the area is a primarily residential and existence of the go-down is hazardous.

Mr. Guha, learned advocate for the respondent no.7 has submitted documents to show that all necessary compliances have been made. Order of conversion of the

land, fire licence and permission from the Panchayat authorities have been obtained prior to establishment of the go-down. It is also submitted that had the go-down been in an appropriate place and not as per the requirements of the law, the Indian Oil Corporation would not have granted the licence. It is further submitted that at the time of granting licence by the IOC, the respondent no.7 was required to submit not only a No Objection Certificate from the local administration but also the order of land conversion and No Objection from the Fire Department, which were compulsory requirements.

The documents which have been submitted before this Court indicate that all necessary permissions had been obtained by the respondent no.7. The Fire Department has also approved the project.

Mr. Nag, learned advocate for the Indian Oil Corporation also submits that upon verification of the documents such distributorship/licence has been given to the respondent no.7. Mr. Nag submits that as some of the villagers have filed the writ petition, the same is in the nature of a public interest litigation.

The documents, as produced by the respondent no.7, and the Indian Oil Corporation show that the go-down appears to have fulfilled all necessary legal compliances.

Mr. Nayak, learned advocate for the State respondents submits, on instructions from the Block Development Officer of the concerned Block, that the area is not densely populated and the go-down is situated in such a place that fire hazards are unlikely.

The petitioners have alleged that the panchayat authorities ought to have ascertained about the density of population in the area, before granting their No Objection.

Without going in to the merits of the claims and counterclaims of the parties, this writ petition is disposed of with a direction upon the Pradhan of Rajendrapur Gram Panchayat to consider and dispose of the representation of the petitioners in accordance with law upon hearing the representative of the petitioners and all other interested parties. A reasoned order shall be passed and communicated to all concerned. The Pradhan will proceed independently, in a free and fair manner.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

The 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.

All parties are directed to act on the learned advocate's communication.

(Shampa Sarkar, J.)