

24.9.2021
Court No. 19
Item no.23
sn

WPA No.13167 of 2021

DHANANJAY SARADAR
VS.
THE STATE OF WEST BENGAL & ORS.
(via video conference)

Mr. Pankaj Halder ...for the petitioner

Mr. L. Bhattacharya
Mr. S. Ghosh ..for the respdt. 8

Mr. Usuf Ali Dewan
Mr. Asif Dewan ..for the respdts.9&10

Mr. Ansar Mondal
Mr. Saugata Mitra ..for the State

The Raidighi Gram Panchayat by a reasoned order has informed the petitioner that the construction by the respondent nos. 9&10 are not unauthorized and have been done from the fund received under the Pradhan Mantri Ayas Yojona scheme. It is contended by the petitioner that the construction could not have been allowed under the said scheme as the respondent nos.9 and 10 are not the recorded owners.

It is submitted by the learned advocate for the respondent nos.9&10 that the said respondents have been residing in the area on the undivided plot of land being plot no.3546, J.L.no.122, Mouza Raidighi, District South 24 Parganas, along with the

petitioners by constructing their separate dwelling units.

As the Gram Panchayat has already taken steps in the matter and have categorically stated that the structure was raised by the respondent nos. 9&10 under the Pradhan Mantri Awas Yojana scheme, the Court is of the opinion that the further contention of the writ petitioner as to the correctness of such decision and observation with regard to the construction of the respondent nos. 9&10 under the Pradhan Mantri Awas Yojana scheme should be enquired into and decided by the Block Development Officer, Mathurapur-II. The petitioner shall approach the authority with his grievances as to whether any fund had been actually sanctioned under the Pradhan Mantri Awas Yojana scheme in favour the respondent nos.9&10 in respect of the aforementioned plot. The said Block Development Officer shall dispose of the application of the petitioner in accordance with law upon giving an opportunity of hearing to all the interested parties including the authorities of the Gram Panchayat. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of three months from the date of receipt of the application of the petitioner.

At this stage, this Court has not decided on the correctness of the order of the panchayat authorities. Until the Block Development Officer takes a decision, the order of the panchayat authorities with regard to the construction made by the respondent nos. 9&10, is not interfered with. The point is kept open.

This writ petition is 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.)