

Sl.no.44
9.11.2021.
Court. No. 19
sn

WPA 14423 of 2021

Mithu Barman Das & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Dilip Kumar Sinha ... for the Petitioners

Mr. Soumen Dutta
Mr. Subhadeep Chatterjee ..for the respdts.5

The petitioners have raised an objection with regard to the construction of a boundary wall by the respondent no.5. The contention of the petitioners is that without any permission from the Pradhan, the respondent no.5 has raised a boundary wall on plot nos.199, 201, 239, 238, 236 under Mouza Chaitanyapur, J.L. No. 64 and Keshabpur, J.L. No.44.

According to the petitioners, in a reply under the Right to Information Act, 2005, the Block Development Officer, being the appellate authority intimated the petitioners that permission was not granted to the respondent no.5 for construction of any boundary wall.

Contrary to the abovementioned submission, Mr. Dutta has handed over a communication issued by the Pradhan, Chaitanyapur No.3 Gram Panchayat dated March 27, 2018, by which the permission was granted to the respondent no.5 for construction of a boundary

wall on plot nos. 233, 232,239/821,236,238, 239 in respect of Mouza Keshabpur(J.L. No.44) and also plot nos. 199, 201 in respect of Mouza Chaitanyapur (J.L. No.64).

As there is contradiction in the submissions and the records, this Court is of the opinion that the writ petition should be disposed of with a direction upon the Pradhan, Chaitanyapur No.3 Gram Panchayat to dispose of the representation of the petitioners being Annexure P/7 to the writ petition upon hearing the petitioners as also the respondent no.5.

A reasoned order shall be passed and communicated to all concerned. The parties shall be allowed to submit all documents in support of their contentions.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order. If it is found that the construction is unauthorized, steps shall be taken in accordance with law.

The writ petition is disposed of.

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

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

(Shampa Sarkar, J.)