

S/L 56
31.10.2022
Court. No. 19
sn

W.P.A.391 of 2022

Gopal Halder
VS
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharyya
... for the Petitioner

Mr. Susanta Pal
Mr. Prabir Kumar Ray ..for the State

Mr. Nilanjan Adhikari ..for the respondent
Nos.11,14,16-19

The petitioner alleges that the respondent nos. 11 to 19 have made certain construction on LR plot no.1374 under mouza Ghoradhal, without any permission. The panchayat authorities have also stated before this Court through the learned advocate for the state respondents that no permission was granted. However, the panchayat authorities were not in a position to understand when and how such construction was made, especially as there was no demarcation.

Learned advocate for the respondent nos. 11 to 19 submits certain documents which indicate that the construction was allegedly made under the Pradhan Mantri Awaas Yojana (PMAY), Scheme. The beneficiary was the respondent no.11.

The panchayat law provides that if any construction was under a particular housing scheme, Section 23 would not be applicable. However, the law

is also clear that construction under the PMAY (Gramin) scheme, should be as per the sketch map or the model plan given by the authorities and upon verification of the documents of the beneficiaries.

This writ petition is disposed of with a direction upon the Block Development Officer, Mathurapur-I Block, to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law.

The only issue to be decided is whether the respondent nos. 11 to 19 had constructed as per the model plan and as per the provisions of PMAY (Gramin) scheme.

A hearing shall be given to the petitioner, a representative of the respondent nos. 11 to 19 and the panchayat authorities. A reasoned order shall be passed and communicated to all. Steps shall be taken in accordance with law in case the model plan is not followed by the respondents.

The entire issue shall be decided independently and in accordance with law.

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

This writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)