

21.03.2022
Sl. No. 17
ss

W.P.A. 475 of 2022

Smt. Alochana Das
Vs.
The State of West Bengal & ors.

Mr. Kishore Mukherjee
Mr. Sankha Subhra Ray
... for the petitioner

Mr. Lalit Mohan Mahata
Mrs. Gopa Roy
... for the State

Mr. Sabyasachi Mukhopadhyay
Ms. Koushikee Banerjee
... for the respondent no.4

The writ petitioner alleges inaction on the part of the respondents in initiating a proceeding in respect of the construction of the respondent no.4 on a plot being L.R. Plot No.4144, under Mouza Kajora, J.L. No.41 with Kajora Gram Panchayat.

It is submitted that the construction was made without a plan, sometime in 2019. A query was made before the Pradhan of the Kajora Gram Panchayat as to whether the construction had been made in accordance with the permission granted by the said Gram Panchayat. In a reply under the Right to Information Act, the Panchayat authorities informed the petitioner that the construction was made sometime prior to 1983, that is, sometime in 1975 and as such, question of taking permission from the Panchayat authorities did

not arise. The said Gram Panchayat was constituted sometime in 1983. Thereafter, the petitioner made a representation before the concerned Block Development Officer, with a request to conduct a test as to the age of the building.

The petitioner submits that the age of the building may be tested by engagement of an expert from either the Jadavpur University or Shibpur University. Her specific case is that the construction was raised in 2019, when the law for obtaining permission to construct, was very much in force.

Under such circumstances, the writ petition is disposed of with a direction upon the Block Development Officer, Andal, to consider the prayer of the petitioner in accordance with law by disposing of the representation dated October 1, 2021. While disposing of the said representation, the petitioner as also the respondent no.4 shall be heard.

It is the specific contention of the Block Development Officer that there is no expert in his office to assess the age of the building.

Thus, while disposing of the said representation, if the Block Development Officer is of the opinion that an expert may be engaged at the cost of the petitioner for testing the age of the building, necessary orders shall be passed in accordance with law and the petitioner shall bear the expenses for such test and/or

examination. Such expert shall be requested by the Block Development Officer to examine the age of the building as per scientific procedure.

The report of the expert shall be filed in the office of the Block Development Officer. The parties shall be supplied copies thereof and accordingly the proceeding shall be reached to its logical conclusion in accordance with law, by the appropriate authority.

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

It is needless to mention, that this Court has not expressed any opinion on the merits of the claim of the petitioner.

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

(Shampa Sarkar, J.)