

09.11.2022
Sl. No.10(DL)
srm

W.P.A. No. 3952 of 2022
Sri Tufan Naskar
Versus
The State of West Bengal & ors.

Mr. Anil Kumar Chattopadhyay

....for the Petitioner.

Mr. Manas Kundu,

Mr. Debabrata Mondal

...for the State-respondents.

Mr. Prabir Adhya

...for the Respondent No.4.

This Court is not inclined to enter into the merits of the issue raised by the petitioner. No mandatory directions in favour of the petitioner can be passed permitting construction of the alleged toilet on Plot No.389 of mouza Tentulkuli pertaining to Khatian No.508, District-Howrah. The competent authority, that is, Salap Gram Panchayat-I, District-Howrah shall dispose of the application of the petitioner for permission to construct the toilet on Plot No.389, in accordance with law. If it is found that the petitioner satisfies the criteria as per the rules such permission shall be granted.

Although a civil suit is pending between the parties and there is an order of injunction, it appears that the Title Suit No.86 of 2020 is in respect of Plot No.440. Thus, the Court finds the order of injunction will not debar the panchayat authorities from considering the prayer of the

petitioner for permission to construct a toilet on any other plot apart from the plot of land, which is the subject matter of the civil suit. The petitioner must meet the other eligibility criteria for such permission. The issue shall be disposed of upon hearing the petitioner and all other co-sharers and interested parties within a period of four weeks from the date of communication of this order.

The petitioner shall be permitted to satisfy the authority that the alleged proposed construction would not be in violation of the order of the learned civil court and further that the petitioner was in possession of all relevant documents including the permission of the co-sharers of Plot No.389 of mouza Tentulkuli District-Howrah, for such construction.

A reasoned order shall be passed and communicated to all within the aforementioned time.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)