

S/L 85
28.09.2022
Court. No. 19
GB

W.P.A. 4197 of 2022

Sukanta Bardhan
VS
The State of West Bengal & Ors.

Mr. Jagabandhu Roy,
Mr. Himadri Kumar Mahata.

...for the Petitioner.

Affidavit-of-service filed in Court today, be kept with the record.

None appears on behalf of the respondents. It appears that the Pradhan, Rajhati Gram Panchayat has refused service. Thus, the matter is taken up in the absence of the Pradhan.

The petitioner claims to have applied for permission to construct a boundary wall with a proposal for construction of a single storied building on Dag No.226 pertaining to Khatian No.1606, Holding No.226 of Mouza-Madhyaranga. Such application was allegedly forwarded to the Khanakul-II Panchayat Samiti. It appears that the petitioner has not received any information with regard to such application for permission. The petitioner submits that for the present, a boundary wall is required to be constructed and as such, the permission was sought.

The petitioner is unable to satisfy the Court, why the application was made before the Executive Officer, Khanakul-II Panchayat Samiti, unless the proposed building has a plinth area of more than 150 sq. meters and height above 6.5 meters. However, as it appears that the Executive Officer, Khanakul-II Panchayat Samiti has been approached by the petitioner by letter dated February 28, 2022, the said authority shall dispose of the representation of the petitioner in accordance with law, upon granting a hearing to the petitioner and also to the Pradhan of Rajhati Gram Panchayat.

If the authority finds that the permission should be granted by the Samiti itself, necessary order shall be passed

in accordance with law. If it is found that the permission cannot be granted as there are certain defects, the same shall be indicated to the petitioner by a reasoned order. If the authority finds that the Gram Panchayat would be the appropriate authority to either grant or refuse such permission, then the matter shall be relegated to the Gram Panchayat for necessary action, in accordance with law. The panchayat authorities will do the needful as discussed hereinabove.

The issues shall be decided by the authority independently. This Court has not made any observations on the eligibility of the petitioner for grant of such permission. However, the Court is of the view that unless there are reasons for not granting the permission, then unnecessary delay would only result in causing harassment to the petitioner, which is not expected.

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

Accordingly, the 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.)