

24.03.2022
Court No. 19
Item No.7
sn

WPA 5390 of 2021

Pirottar Panch Pir Waqf Estate,
Represented by its President, Nurul Islam
Vs.
The State of West Bengal & ors.

Mr. Sufi Kamal
Mr. G.F. Hossain
Mr. Chandra Paul
Mr. Ashish Agarwal

.....for the petitioner.

Mr. Sumit Kumar Ray
Mr. Munshi Ashiq Elahi

..for the respondent no.8

The petitioner has filed an application under Section 6(1) of the Right to Information Act, 2005 before the SPIO and Executive Assistant of Belmuri Gram Panchayat, Village and Post Office Rudrani, Police Station Dhaniakhali, District Hooghly, with certain queries with regard to the building situated at plot nos.878/880 under Mouza Rudrani, constructed by the respondent nos.8 and 9.

It is the contention of the petitioner that such construction has been made in the absence of a plan and as such must be demolished. It also appears that several civil suits have been decided with regard to the said construction and it is submitted by the respondent no.8 that the construction was an old one and, as such, in the absence of allegation of further construction, the petitioner would not have

any cause of action to move the writ petition. It is further submitted that the construction was made as per the sanction granted by the authorities.

Be that as it may, as the petitioner has filed an application under the Right to Information Act, 2005, the Panchayat authorities (SPIO) is duty bound to answer to the said queries in accordance with law.

Under such circumstances, this writ petition is disposed of with a direction upon the SPIO and Executive Assistant of Belmuri Gram Panchayat to dispose of the application under the Right to Information Act, 2005 filed by the petitioner on December 18, 2020 in accordance with law. Such information shall be given to the petitioner within a period of four weeks from the date of communication of this order. On the basis of the information supplied under the Right to Information Act, 2005, the petitioner and the authorities shall proceed in accordance with law.

A copy of this order be sent to the Belmuri Gram Panchayat through the Officer-in-Charge, Dhaniakhali Police Station.

The department is directed to send a copy of this order to the Dhaniakhali Police Station.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or on the learned advocate's communication.

(Shampa Sarkar, J.)