

14-01-2022
Court No.13
Sl.59
pk

WPA 6610 of 2021
Azima Khatun and others
Vs.
State of West Bengal and others
(Via Video Conference)

Mr. Subhasish Pachhal
.....for the Petitioners.

Mr. Santanu Kumar Mitra,
Mr. Mirza Karuddin
... for the State.

Despite repeated service, the private respondent is not represented.

The petitioners seek permission to construct and cover up a particular soak pit in the premises to prevent overflow of the septic tank which is emitting foul smell and is creating health hazard.

It is alleged by the petitioners that the said overflow of septic tank is being caused by the acts and omissions of the private respondent.

This Court does not wish to enter into the said dispute.

It is submitted by Mitra, learned Advocate appearing for the State that prosecution under Section 107 has been initiated on the two complaints filed by the writ petitioners.

Insofar as the request of the petitioners for constructing a cover of drainage system by fixing a pipe on the soak pit, this Court is of the view that the petitioners should approach to the Babnan

Gram Panchayet for the aforesaid purpose and permission.

In the event, the petitioners approach the Babnan Gram Panchayet within a period of 15 days, the said Panchayet shall, if necessary, summon all interested parties and pass appropriate orders to ensure that the petitioners' grievance as regards the overflow of the septic tank and soak pit are addressed immediately.

Babnan Gram Panchayet shall pass appropriate orders preferably within a period of three weeks from the date of receipt of complaint of the petitioners. The petitioners shall communicate a copy of this order to the Prodhan, Babnan Gram Panchayet.

Since no affidavits have been called, the allegations made in the writ petition shall not be deemed to have been admitted by the respondents.

The writ petition is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)