

List dt.6.6.22
Item No. 246
22.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 4809 of 2020

**Nurul Amim Gayen
-versus
State of West Bengal & Ors.**

**Ms. Pampa Dey (Dhabal).
...For the Petitioner.**

**Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar.
...For the State.**

Supplementary affidavit and the affidavit-of-service filed in Court today are taken on record.

None appears either on behalf of the respondent Nos. 8 to 12 or the Jagannathpur Gram Panchayat in spite of service.

It appears from record that pursuant to the order passed by this Court on 11th February, 2020 in W.P. 319 (W) of 2018 in the matter of Nurul Amim Gayen – vs- State of West Bengal & Ors., a fact finding enquiry was conducted. The enquiry was conducted in the presence of the private respondents, the Block Development Officer, Joypur, Block Land and Land Reforms Officer, Joypur, Pradhan, Jaganathpur Gram Panchayat and the Officer-in-Charge, Joypur P.S.

A report has been prepared by the Sub-Divisional Magistrate, Bishnupur, Bankura on 9th October, 2020.

The said report mentions that during enquiry, it was revealed that the respondent constructed building having ground coverage of 2,357.36 sq. feet or 218 sq. meters approximately and further construction was made in about 1,381.25 sq. feet or 128 sq. meters approximately. Both the heights of the buildings are measured at 36 feet or 11 meters approximately.

As per the provision of Rules 17 to 38 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 or Rules 64 to 83 of the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008, the Gram Panchayat can give permission for building with a ground coverage of upto 150 sq. meters beyond which the Panchayat Samiti is the authorized body to give the permission.

In the present case, the plinth area as well as height of the buildings that have been constructed is more than 150 sq. meters and 6.5 meters respectively.

The Sub-Divisional Magistrate sought permission from the end of the Zilla Parishad, Bankura for pursuing the further course of action.

The petitioner alleges that after the order was passed by the Sub-Divisional Magistrate on 9th October, 2020, no further step was taken in the matter.

It has been submitted that the unauthorized construction is still standing thereon.

As none appears either on behalf of the private respondents or the Panchayat, accordingly, the matter cannot be decided conclusively.

The writ petition is disposed of by directing the Sub-Divisional Officer to take necessary follow up steps in furtherance of the enquiry report and the documents that are available with the said authority.

The Sub-Divisional Officer shall make all endeavors to conclude the proceeding at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order. The Sub-Divisional Officer shall intimate the action taken in the matter to the parties immediately thereafter.

A further opportunity of hearing may be given to the private respondents and the Pradhan of the Gram Panchayat prior to decide the matter finally.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)