

Item No. 65

25.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6440 of 2022
Tapan Pramanik alias Tapan Kumar Pramanik
v.
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
... for the petitioner.

The petitioner submits that for the purpose of making construction he submitted a plan before the Sarberia-II Gram Panchayat in February 2022.

The Panchayat authority did not take any steps to consider the said plan proposal. After expiry of the prescribed period within which the Panchayat ought to have considered the plan proposal, the petitioner started construction relying on Rule 30 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. The moment the petitioner started construction, the Panchayat authority forcefully stopped the petitioner from making any construction.

It has been submitted that when the plan was submitted for sanction, steps were not taken by the Panchayat but as soon as the construction started the Panchayat authority became active and took steps for stopping the construction.

None appears on behalf of the Panchayat despite service.

Affidavit-of-service filed in Court today is taken on record.

There is nothing on record to show that the petitioner approached the Panchayat authority with his allegation of stopping the construction work after the prescribed period for considering the plan proposal expired.

In view of the above, the petitioner is directed to file a comprehensive representation before the respondent no. 2 annexing copy of the plan proposal and the receipt showing payment of the fees for approval of the plan within a week from date. In the event, such a representation is made along with the plan proposal, the same shall be considered by the Panchayat strictly in accordance with law, at the earliest, but positively within a period of thirty days from the date of submission of the documents as mentioned hereinabove.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that if the Panchayat fails to consider the matter in accordance with law within the time as specified hereinabove, then the Panchayat authorities will be restrained from interfering with the

construction work to be made by the petitioner in terms of the plan proposal submitted for sanction before the Panchayat.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)