

Sl. No.69
26.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 10190 of 2022

Shri Shri Avaya Thakurani
represented by its Shebait Biswanath Ghosh
versus
The Gram Panchayet Pradhan, Kumarara Gram
Panchayat & Ors.

Mrs. Sohini Chakraborty
Mr. Kaushik Chowdhury
Mr. Ishan Bhattacharya

... for the Petitioner.

The petitioner submits that the Pradhan of Kumarara Gram Panchayat has constructed a culvert over the private water body of the petitioner situated at Mouza-Kumarara, Khatian No.36, J. L. No.118, Dag No.1516 without taking any permission from the petitioner.

It has been submitted that the property is a debottar property and income of the said property is utilised for benefit and maintenance of the deity.

The petitioner being a Shebait of the debottar property filed representation before the Pradhan of the Gram Panchayat on 8th March, 2022 followed by representation to the Block Development Officer of Nandakumar Block and the District Magistrate, Purba Medinipur, highlighting his grievances and alleges that

none of the representations have been taken up for consideration till date.

None appears on behalf of the respondents despite service.

Affidavit of service filed in Court is taken on record.

As it appears that the representation filed by the petitioner alleging construction of a culvert over the private water body of the petitioner is pending consideration at the end of the respondents, accordingly, the instant writ petition is disposed of directing the Block Development Officer, Nandakumar Block, being the respondent no.3 herein, to consider the representation strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner as well as the Panchayat and thereafter take a decision in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Block Development Officer shall pass a reasoned order and communicate the same to the parties immediately thereafter.

If it appears that the culvert which has been constructed is required for public purpose, then necessary steps shall be taken for acquiring the land in accordance with law.

The petitioner is directed to forward a copy of the representation dated 18th February, 2022 to the Block

Development Officer at the time of communicating the order passed by this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)