

S/L 7
17.11.2022
Court. No. 19
GB

W.P.A. 10538 of 2022

Sandhya Ghosh & Anr.
VS
Howrah Zilla Parishad & Ors.

Mr. Avijit Chakraborty.

...for the Petitioners.

*Ms. Manjuli Chowdhury,
Ms. Mekhla Sinha.*

...for the Howrah Zilla Parishad.

*Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das,
Mr. K.R. Ahmed.*

...for the Respondent No.3.

Affidavit-of-service filed in Court today, be kept with the record.

This writ petition was filed on the allegation that the Howrah Zilla Parishad did not take any steps with regard to the alleged construction of the respondent no.3 on L.R. Dag No.577 of Mouza-Makardah.

The Assistant Engineer of Howrah Zilla Parishad has filed a report. It appears that the Howrah Zilla Parishad had made an inspection of the site on November 11, 2022 and it transpired that the Makardah-I Gram Panchayat had granted a sanction in respect of a G+1 storeyed building.

The law is clear that in case the height of the building is within 6.5 m. and the plinth area is not more than 150 sq.m., the Zilla Parishad would be the appropriate vetting authority. In this case, the Gram Panchayat would be the appropriate authority.

The petitioner alleges that the construction has been made without leaving the mandatory side spaces as required by the rules.

This Court has not gone into the merits of the claim of the petitioner. The petitioner is directed to approach the panchayat authorities with his objection. If such objection is filed, the same shall be disposed of in accordance with the provisions of Section 23 of the West Bengal Panchayat Act, 1973, upon hearing all the parties. The question of title, possession, encroachment and any boundary dispute, shall not be gone into by the panchayat authorities.

The entire exercise shall be completed within a period of four months from date of receipt of the petitioner's objection.

Needless to mention, before any steps are taken as directed hereinabove, an inspection of the premises in question shall be made and the report shall be prepared and handed over to the parties so that they may file their objections and/or submissions in respect of such report.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)