

S/L 42
06.09.2022
Court. No. 19
GB

W.P.A. 12356 of 2021

Sakshirani Giri
VS
The State of West Bengal & Ors.

*Mr. Anindya Bose,
Mr. Diptendu Mandal,
Mr. Nikhil Kumar Gupta.*

...for the Petitioner.

*Mrs. Sutapa Sanyal,
Mr. Arun Kumar Saha.*

...for the State.

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

The petitioner alleges construction by the respondent no.9 on a vested land. Reliance has been placed on a reply given by the Block Land and Land Reforms Officer, Partha Pratima to one Kartick Giri, inter alia, stating that plot no.1908 of Mouza-Digambarpur was vested and classified as Sali/Bastu. That no patta had been granted in respect of the said land.

Per contra, the learned advocate for the respondent no.9 submits that the concerned Gram Panchayat and other authorities had permitted the respondent no.9 to construct under the Pradhan Mantri Awas Yojana upon verification of all documents and records. As such, the allegation of the petitioner is not substantiated, according to him.

As the dispute is whether the respondent no.9 had been selected for construction under the Pradhan Mantri Awas Yojana and was permitted to do so by the State

authorities, this is not simpliciter a matter of unauthorized construction.

In any event, Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 exempts constructions under any government scheme, from strict application of the rules.

Under such circumstances, the petitioner is granted liberty to approach the District Magistrate, South 24 Parganas with his allegation, by filing a composite representation. If such representation is made, the same shall be considered and disposed of in accordance with law, upon giving an opportunity of hearing to the petitioner, the respondent no.9, the Block Development Officer and the Pradhan of the Digambarpur Gram Panchayat. An inspection and demarcation of the land shall be made with the help of the Block Land and Land Reforms Officer. The report of such inspection shall be supplied to all the parties. The parties will be allowed to respond to the same. The parties will be entitled to file their objections/written versions to the said report. Thereafter, a reasoned order shall be passed upon considering all aspects. Necessary action shall be taken on the basis of the order of the District Magistrate.

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 learned advocates' communication.

(Shampa Sarkar, J.)