

S/L 17
2.5.2022
Court. No. 17
sn

WPA 12638 of 2021

Ghanashyam Kamila & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
... for the Petitioners

Ms. Sutapa Sanyal
Ms. Joyee Maity ... for the State.

Despite service, none appears on behalf of the respondent nos. 7&8. Affidavit-of-service filed in Court today be kept with the record.

The petitioners have made allegations of unauthorised construction. It is alleged that the respondent Nos. 7 and 8 are going to construct a building under the Pradhan Mantri Abas Yojana Scheme on the petitioners' land. It is further contended that during the pendency of the writ petition, substantial construction has been completed. It is alleged that the respondent No. 8 have not been granted any approval/permission to make such construction on plot nos.32/110, which allegedly belong to the petitioners. It is further alleged that the construction was being made under Pradhan Mantri Abas Yojana Scheme by falsely representing the land of the petitioners to be the land of the said respondents.

Without going into the correctness of the allegations made hereinabove, this writ petition is

disposed of with a direction upon the competent authority of Arjunnagar Gram Panchayat to dispose of the representation of the petitioners dated March 23, 2021, in accordance with law upon hearing the petitioners as also the respondent No. 8. A reasoned order shall be passed and communicated to the petitioners and the respondent no.8. The authority shall decide the issue independently.

The question of title and encroachment, which have been raised by the petitioners, shall not be gone into.

The only consideration would be whether the alleged construction by the respondent no.8, has been in consonance with and in terms of the plan approved under the Pradhan Mantri Abas Yojana Scheme. If it is found that the alleged construction is not in accordance with law or there are deviations and misrepresentations, then steps shall be taken by the authorities, as per law.

The law is clear on the subject that if a construction is made under any housing scheme, the usual rules and provisions under Section 23 of the West Bengal Panchayat Act, 1973, would not apply. However, the approved plan/drawing given by the authority under the housing scheme has to be followed.

The police report is taken on record.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

The police authorities have made an inspection of the premises in question and a report has been filed before the competent Court.

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.)