

17.01.2022
Court No. 19
Item no.2
CP

WPA 12792 of 2021

Aniket Joardar
Vs.
The State of West Bengal & ors.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

.....for the petitioner.

Mr. Debabrata Mondal
Ms. Sreetama Neogi

.....for the respondent nos. 12 & 13.

Despite service none appears on behalf of the panchayat authorities.

The petitioner has alleged that the authority, namely, the Gopinathpur Gram Panchayat, has not taken any steps with regard to the complaint made by the petitioner alleging certain unauthorized construction by the respondent nos. 12 and 13 on Dag Nos. 44 and 75, Mouza – Krishnanagar, J.L. No. 46 within the district of Nadia. According to the petitioner, the said construction has been made on an agricultural land, without conversion. That part of the said construction has encroached into the PWD land. Finally, the construction has been made without any sanction plan, thereby blocking the pathway of the petitioner.

Records reveal that the petitioner has already approached the respective authorities with regard to the allegations of encroachment, construction on agricultural land and blocking the PWD road. This proceeding has been initiated only on the basis of a report received under the Right to Information Act to the effect that the respondent nos. 12 and 13 had never applied for any sanction or permission for such construction.

Mr. Mondal, learned advocate appearing on behalf of the respondent nos. 12 and 13, submits that there has been no unauthorized construction. The alleged construction has not blocked any pathway. That the construction has been made under the Pradhan Mantri Awas Yojana housing scheme initiated by the Government for allowing housing facilities to the poor and under privileged. Accordingly, the respondent nos. 12 and 13 who are living below the poverty line were eligible to be the beneficiaries under the said scheme and the construction of single rooms have been made as per the plan/drawing given by the authorities under the scheme. That the entire project has been executed with the supervision and the drawing approved by the competent authorities under the PMAY-G scheme.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the competent authority of the Gopinathpur Gram Panchayat to dispose of the complaint of the petitioner being Annexure P-2 to the writ petition in accordance with law upon giving an opportunity of hearing to all concerned.

The panchayat authorities shall only restrict its consideration to the allegation that the construction has been made contrary to the scheme/guidelines and map or drawing given by the authorities for such construction. If it is found that the construction is in accordance with the Pradhan Mantri Awas Yojana housing scheme, the panchayat authorities shall not proceed further. If it is found that the contentions of the respondent nos. 12 and 13 are not correct, then the proceedings shall be reached to its logical conclusion as per law.

This order shall not have any impact or any effect on any other complaint before any other authority with regard to the alleged construction.

This court has not gone into the merits of the claims and counter-claims of the parties. A reasoned order shall be passed and communicated to all.

Prior to the hearing, an inspection shall be made in the presence of the parties. A copy of the inspection report shall be supplied to the parties.

Parties shall be at liberty to file their written versions/objections before the authority.

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

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)