

30.03.2022

Sl. No. 19

ss

W.P.A. 15452 of 2021

Sudhangsu Ghosh

Vs.

The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna

... for the petitioner

Mr. Tarun Kumar Ghosh

Mr. Atarul Haque Molla

... for the State

Mr. Debasish Das

... for the respondent nos.8 to 13

The petitioner is aggrieved by an order of refusal of sanction to the proposed building of the petitioner.

Such order was passed in exercise of power under Section 23(3) of the West Bengal Panchayat Act, 1973.

The Pradhan of Satish Samanta Gram Panchayat by an order dated April 13, 2019, held that the sanction of the building plan on Dag No.1131 could not to be granted by the Panchayat authorities, as the sanctioning authority was the Panchayat Samiti.

Reliance was placed on the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008. The authority was of the specific opinion that the area in question, namely, Satish Samanta Gram Panchayat was a notified area under the concerned development authority in terms of the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979.

According to the development plan published, the area over which the petitioner proposed to construct

the building, fell within the jurisdiction of the Haldia Development Authority.

It also appears that at some point of time, the Haldia Development Authority had granted a permission for conversion of the land in question, which had expired.

However, on such ground, the concerned Gram Panchayat did not entertain the application of the petitioner for grant of permission to build.

The petitioner has the option to approach the concerned Panchayat Samiti in accordance with law. If the petitioner is aggrieved by the merits of the decisions of the Panchayat authorities, the order being appealable under Section 23(4) of the West Bengal Panchayat Act, 1973, the petitioner may prefer an appeal, before the appellate authority.

This Court has not gone into the claims and counter-claims of the parties.

The police report is taken on record.

With the above observations, this writ petition is disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)