

S/L 12
22.12.2022
Court. No. 19
GB

W.P.A. 15213 of 2022

Bimal Pal
VS
The State of West Bengal & Ors.

Mr. Dilip Kumar Sadhu

...for the Petitioner.

*Mr. Rajarshi Basu,
Mr. Parikshit Goswami*

...for the State.

*Ms. A. Gupta,
Ms. Priyanka Saha,
Ms. Komal Singh*

...for the Respondent Nos.8 & 9.

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

The petitioner alleges that under the garb of a construction under the Pradhan Mantri Awas Yojana, the respondent nos.8 and 9 have raised unauthorized construction over L.R. Plot Nos.107 and 105 of Mouza-Chamitara. The petitioner submits that the construction even if, was under the PMAY(G) scheme, the same was beyond the drawing or the sketch map approved by the authority for such construction. The petitioner also submits that although the petitioner approached the Dharampur gram panchayat, no steps were taken by the authority against such illegal construction.

There is nothing on record in support of such allegation. Thus, the writ Court cannot pass any mandatory directions upon the Pradhan of Dharampur gram panchayat.

Also, the law exempts construction under any poverty alleviation scheme from the requirement to take permission under Section 23 of the West Bengal Panchayat Act, 1973. However, the scheme provides that the construction has to be made as per a drawing or a plan which had been approved by the authority.

Under such circumstances, the Block Development Officer, Binpur-I Development Block, shall treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the parties. If the Block Development Officer, Binpur-I Development Block comes to the conclusion that the construction is under the PMAY (G) scheme, but not as per the approved drawing, necessary steps shall be taken. If the construction is found to be in order, then a reasoned decision shall be issued and communicated to all the parties.

If it is found that the construction is not under the PMAY (G) scheme but is otherwise unauthorized and not supported by any permission from the panchayat authorities, the Block Development Officer shall refer the matter to the Dharampur gram panchayat for necessary action in terms of Section 23 of the West Bengal Panchayat Act, 1973.

This Court has not entered into the merits of the allegations made.

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.)