

04.01.2022
Court No. 19
Item no.14
CP

WPA 16375 of 2021

Sk. Ansar Ali
Vs.
The State of West Bengal & ors.

Mrs. Pampa Dey (Dhabal)
.....for the petitioner.

Mrs. Ujani Pal (Samanta)
....for the State respondents.

It is the contention of the petitioner that the petitioner approached the panchayat authorities and submitted a plan for permission to construct on Plot No. 714 and 728 of Mouza – Uttar Balarampur, P.S. - Goghat.

Records reveal that on August 31, 2021, the petitioner deposited the sketch map and the statutory fees. The petitioner seeks permission for construction of the first floor on Plot No. 714 and 728 of Mouza – Uttar Balarampur from the Bhadur Gram Panchayat.

It is submitted by the petitioner that the panchayat authorities refused to act on the basis of the said application. It is further alleged that the application was also sent by speed post which was refused by the authorities. The petitioner had been verbally informed that due to objections raised by the

respondent no. 8, the drawing/plan could not be accepted and proceeded with.

Despite service none appears on behalf of the respondent no. 8. Affidavit of service is taken on record.

The petitioner further submits that the partition suit between the parties has been dismissed for default.

Under such circumstances, the writ petition is disposed of with a direction upon the Pradhan, Bhadur Gram Panchayat to consider and dispose of the representation of the petitioner dated September 16, 2021, being Annexure P-4 at page 29 of the writ petition in accordance with law.

While disposing of the said representation, the petitioner as also the respondent no. 8 shall be given a hearing and shall be allowed to produce the documents in support of their contentions. Thereafter, a reasoned order shall be passed and communicated to the parties.

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

This court has not gone into the merits of the claims and counter-claims of the parties. The entire issue shall be decided by the pradhan independently and on the basis of the records.

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.)