

75 26.09.2022

gd/ssd

WPA(P) 278 OF 2021
KALI SANKAR SAMANTA AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Debasish Roy,
Mr. Kallol Kr. Maity
..for the Petitioners

Mr. T.M. Siddiqui
..for the State

The plea raised in this petition is that a Sub Primary Health Centre is to be constructed at Haldia-II Gram Panchayat and for that purpose the villagers have donated the land in favour of the Gram Panchayat by executing the registered deed of gift. It is a further plea raised by the petitioners that instead of raising the construction on the donated land, the authorities had raised the construction on the cremation ground. Earlier the writ petition being WP 10644(W) of 2011 was filed which was disposed of by order dated 29.01.2013 taking note of the fact that the construction has been raised on the land of the cremation ground and also the fact that the construction upto the ground level was raised, therefore, the writ petition was disposed of by a direction to the respondents to take a decision as to the question whether they want to dismantle or to use it for the purpose connected with the cremation and that at

the cremation ground Sub-Health Centre cannot be permitted to run.

Since there was some inaction, therefore, the petitioners have again approached this Court.

A report has been filed by the respondent no.7 disclosing that there was some delay in compliance of the earlier order of this Court and that subsequently meeting of the Members was held on 18.04.2022 wherein it was unanimously decided not to construct Sub-Health Centre at plot no.93. It is further resolved that the portion, where construction of the Sub-Health Centre is already made, may not be demolished and it can be used for social purpose, more fully as a shelter room for the persons coming for cremation.

Learned counsel for the petitioners submits that the report filed by the respondent no.7 adequately redresses the grievance raised by the petitioners and nothing further survives in the matter.

Hence, the writ petition is disposed of by taking the report of the respondent no.7 on record.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

