

06. 10.02.2022
BD Ct.15

W.P.A. 13225 of 2016
(Through Video Conference)

Kalimuddin Fakir

-vs-

State of West Bengal & Ors.

Mr. M.P.Gupta

Mr. Ayan Mitra

... for the petitioner.

Mr. Chandi Charan Dey

Mr. Anirban Sarkar

... for the State.

Affidavit of service is filed in Court pursuant to the previous order passed by this Court. However, no one appears for the respondent nos. 2 and 3.

The writ petition is for getting permission from Narna Gram Panchayat, P.S. Domjur, District-Howrah, for repairing and remodeling of the construction of a Tomb situated at Dag No. 572 under Mouza- Gayespur in the district of Howrah.

Mr. M.P.Gupta, learned advocate, appearing on behalf of the petitioner has placed before this Court page 23 of the writ petition wherefrom it appears that by making a representation dated 3rd May, 2016 addressed to Pradhan of Narna Gram Panchayat, respondent no. 3, request was made to grant necessary permission for repairing and remodeling of the Tomb which was received by the Panchayat authorities in the month of May 2016. It has further been stated that one application in the prescribed format was attempted to be filed before the Panchayat

authorities under section 23 of the West Bengal Panchayat Act, 1973 but the petitioner was not permitted to submit such application in the prescribed format which compelled the petitioner to prefer the representation dated 3rd May, 2016 addressing the respondent no.3 for granting necessary permission. Petitioner prays for consideration of such representation on urgent basis which would facilitate him to take necessary steps for repairing of the tomb.

Mr. Chandi Charan De, learned advocate, appears on behalf of the State respondents and submits that if the Panchayat authority is directed to take decision on the representation dated 3rd May, 2016, the State respondents do not have any objection.

In view of the submissions made on behalf of the learned advocates representing the parties this Court directs the Pradhan Narna Gram Panchayat, respondent no.3, to take a decision on the representation dated 3rd May, 2016 within a period of four weeks from the date of communication of this order after granting opportunity of hearing to the writ petitioner and other interested parties. Reasoned order shall be passed by the respondent no.3 and the same shall be communicated to the writ petitioner within two weeks thereafter.

With the above direction the writ petition is disposed of. However, there shall be no order as to costs.

Urgent Photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)