

13.12.2022
Sl. No.10(ML)
srm

W.P.A. No. 20662 of 2022

Arup Dandapat

Versus

The State of West Bengal & Ors.

Mr. Parashar Baidya,
Mr. Rajib Acharya

....for the Petitioner.

Mr. Anindya Sundar Das,
Mr. Shaunak Ghosh,
Ms. A. Sarkar

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

Confusion has been created by the panchayat authorities. The petitioner has moved this writ petition, praying for demolition of the alleged unauthorised structure constructed by the respondent Nos.8 and 9.

Relying upon an answer given to the petitioner under the Right to Information Act, it is submitted that no permission for construction of a building had been granted to the respondent Nos.8 and 9 in respect of Plot No.615 of mouza Binpur in the financial year 2016-17.

The petitioner being the adjacent landowner approached the panchayat authorities for demolition of the alleged unauthorised structure based on the information

received. The panchayat authorities did not take steps. Thus, the writ petition has been filed.

The learned Advocate for the respondent Nos.8 and 9 has produced a copy of the sanctioned building plan which was approved by one Pratima Patra, allegedly an erstwhile Pradhan of Binpur Gram Panchayat. Such sanction was granted in the name of Shyamal Das, the respondent No.9. The said approval was given on October 15, 2013. The learned Advocate for the respondent Nos.8 and 9 submits that the construction has been made strictly in accordance with the plan and was completed long time ago.

The petitioner submits that the panchayat authorities ought to have intimated the petitioner that a plan had been sanctioned earlier.

Under such circumstances, this Court is of the view that the prayers in the writ petition cannot be allowed at present. In the query, the petitioner specifically asked whether any plan had been sanctioned between 2016 and 2017. Accordingly, the panchayat authorities informed the petitioner that no plan had been sanctioned for the financial year 2016-17.

It appears in the present case that the plan was sanctioned in the year 2013. If the petitioner is eager to check the records, he may approach the panchayat authorities for

information as to whether any such plan had been approved in favour of Shyamal Das by the erstwhile Pradhan Smt. Pratima Patra on October 15, 2013. If such query is made, the same shall be disposed of in accordance with law.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)