

S/L 13
26.09.2022
Court. No. 19
GB

W.P.A. 21420 of 2022

Kalyani HP Gas Gramin Vitrak
VS
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar.

...for the Petitioner.

*Mrs. Anwari Quraishi,
Mrs. Zainab Tahur.*

...for the State.

Ms. Pampa Dey (Dhabal).

...for the Respondent No.9.

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

This writ petition is being entertained only on the allegation of blockade of a morrum road, which leads to the petitioner's godown. The allegation is that the respondent No. 9 and some other villagers have blocked the road, which has caused serious obstacle in the business prospects of the petitioner.

It is submitted that upon obtaining all permissions from the relevant authorities, the petitioner was granted the dealership of LPG by HPCL. The petitioner apprehends that the dealership will not be renewed as the morrum road is in a damaged condition. He submits that one of the requirements for grant of dealership is that the godown should be located near a main/public road .

Ms. Dhabal, learned advocate appearing on behalf of the respondent no.9, denies the allegation of blockage of the morrum road. She submits that the respondent no.9 had

raised objection as the petitioner did not have permission from the panchayat authorities, to construct the godown.

Refuting such contention, the learned advocate for the petitioner submits that sanction was granted by not only the panchayat authority but also the other authorities under the law, for construction of the godown, for storage of LPG cylinders. The writ petition also contains the conversion certificate, licenses issued by the fire authorities, the permission granted by the panchayat authority for construction of the godown on Dag Nos.1456, 1457, 1458, 1459/7717. The permission was granted on December 21, 2018. The permission was for construction of an office and godown for storage of LPG cylinders.

The police authorities have filed a report. It appears that the villagers had blocked the morrum road and left their cows grazing thereat. However, with the intervention of the police, the obstructions were removed. The villagers assured the police that the road would not be blocked and no disturbance would be created by the villagers, if the road was repaired or reconstructed as a concrete road.

Whether the road must be constructed or reconstructed for the petitioner's dealership, is not relevant at all. The question is whether the local bodies are supposed to maintain the roads, develop the area and the infrastructure, so that the people in the locality are benefited and are able to live in a healthy and hygienic condition and also pursue their business.

This is a case where the petitioner apprehends that he will suffer serious loss, if the road is not repaired. The issue of eligibility of the petitioner for renewal of the dealership, is not gone into. However, this Court is of the view that the infrastructural facilities in the villages have to be improved, so that the people who run their businesses or reside there, are able to live in better conditions.

With these observations, the writ petition is disposed of. The petitioner shall approach the District Magistrate, Bankura for necessary directions upon the concerned authority to take up the issue of repairing/construction of the damaged road. The District Magistrate upon hearing all the parties and also the panchayat authorities, shall take necessary steps in accordance with law, by following the rules and procedure prescribed for such work. A reasoned order shall be passed and communicated to all the parties.

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

The petitioner will serve a copy of the writ petition along with a server copy of this order upon the District Magistrate, Bankura.

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.)