

S/L 6
28.09.2022
Court. No. 19
GB

W.P.A. 21645 of 2022

Sarina Begum
VS
The State of West Bengal & Ors.

Mr. Golam Karim Chowdhury.

...for the Petitioner.

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

The petitioner complains of inaction of the Pradhan of the Haroa Gram Panchayat. The contention of the petitioner is that, by a representation dated December 1, 2020, the petitioner had sought permission from the panchayat authorities to demolish his existing dilapidated structure. The petitioner submits that the petitioner is the sole occupant of the said structure and there are neither any co-sharers nor any tenants, occupying the same. According to the petitioner, unless the authorities permit such demolition and reconstruction and/or a new construction, the family of the petitioner, who are occupying the premises, shall face serious difficulty. Chances of accident cannot be ruled out.

Whether the building is occupied solely by the petitioner or there are co-sharers or tenants in respect thereof, is a matter which has to be decided on an inspection of the premises in question and as such, mandatory directions to permit such demolition cannot be passed. Unlike the Kolkata Municipal Corporation and other corporations, the panchayat authorities are not vested with any power to direct demolition of a dilapidated structure. It also does not appear that the petitioner has applied before

the authority for permission to raise a new construction. No plan has yet been submitted before the authority.

Under such circumstances, the petitioner is granted liberty to approach the concerned Sub-Divisional Officer with his grievances. The Sub-Divisional Officer on receipt of such application of the petitioner, shall guide the petitioner in accordance with law, and suggest the procedure that the petitioner has to follow with regard to his prayer for demolition and reconstruction on the said land or for raising a new construction after demolition of the old structure in accordance with the provisions of Section 23 of the West Bengal Panchayat Act, 1973 read with Sections 17 and 18 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

With the above observations, the writ petition is disposed of.

The Sub-Divisional Officer shall give a hearing to the petitioner and intimate the petitioner of the aforementioned procedure to be followed by the petitioner, by issuing a communication.

The entire exercise shall be completed within a period of two months from date of receipt of the petitioner's representation.

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.)