

07.11.2022
Court No. 19
Item no.35
CP

WPA No. 22901 of 2022

Sri Tathagata Kayal & anr.
Vs.
The State of West Bengal & Ors.

Mr. Intikhab Alam Mina

... for the petitioners.

Mr. Satyajit Mondal
Mr. A. N. Sen
Mr. Malay Dhar
Mr. S. Naskar

...for the respondent no. 2.

Mr. Mrinal Kanti Sardar

...for the respondent nos. 3 & 4.

Some of the issues raised in the writ petition, cannot be adjudicated by the writ court. It appears that a civil suit is pending between the petitioners and the respondent nos. 3 and 4 with regard to some of the properties in question.

The dispute arose when the respondent nos. 3 and 4 objected to the boundary wall that was being raised by the petitioners. The petitioners admitted before the authority that they had just started construction of the boundary wall but stopped such construction upon receiving a notice from the panchayat authorities.

Learned advocate for the panchayat authorities submits that the law requires that a permission

should be taken for construction of a pucca boundary wall.

Under such circumstances, the petitioners will apply in the prescribed format for such permission. Such application shall be considered upon hearing the petitioners as also the respondent nos. 3 and 4.

If the permission is granted by the authority and the petitioners are found to have complied with the necessary formalities and had met the eligibility criteria for the permission, no disturbance shall be created for such construction.

The permission will be granted within a period of six weeks from receipt of the petitioners' application.

If there are reasons to deny such permission, such reasons shall be disclosed by a detailed order. The decision in either case will be communicated within the aforementioned period.

Once the permission is granted, no disturbance shall be created. However, it is made clear that apart from the boundary wall which the petitioners now seek to erect, no other construction shall be made.

The writ petition is disposed of with the above observations.

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.)