

16.11.2022
Court No. 19
Item No.19
CP

WPA No. 23603 of 2022

Nayan Saha
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
Mr. Debapriya Samanta
...for the petitioner.

Ms. Sima Adhikary
Ms. Tanim Sengupta
...for the State.

The petitioner approached the Lochanpur Gram Panchayat with a representation seeking permission to construct a drainage facility for passage of rain water and rooftop water.

The petitioner submits that it was absolutely essential that the stagnant water on the roof be drained out and a pipeline be fixed from the roof to the ground level of the premises, on the outer wall of the building.

The allegation is that the rain water which was accumulating on the roof was causing seepage and was thereby damaging the construction.

Under such circumstances, the writ petition is disposed of with a direction upon the Lochanpur Gram Panchayat to dispose of the representation of the petitioner dated September 20, 2022, Annexure – P-1, in accordance with law. Such representation

shall be considered upon granting an opportunity of hearing to the petitioner and all other interested parties who are likely to be affected in case such pipeline is constructed.

It is made clear that if the authority finds that the installation of the pipeline would not be in violation of the Acts and Rules, necessary permission shall be given. If the authority has reasons to withhold such permission, reasons for the same shall also be communicated.

In any event, a reasoned order shall be passed and communicated to all. The entire exercise shall be completed within a period of four weeks from the date of communication of this order.

The petitioner is directed to serve a copy of the writ petition along with the server copy of this order upon the concerned pradhan as also the Secretary, Lochanpur Gram Panchayat for necessary action.

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.)