

20.12.2022
Sl. No.27(ML)
srm

W.P.A. No. 23729 of 2022
Md. Nasiruddin
Versus
State of West Bengal & Ors.

Mr. Md. Yusuf Ali
....for the Petitioner.

Mr. Uday Narayan Betal
...for the Respondent Nos.6 to 8.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the State-respondents as also the panchayat authorities.

The petitioner alleges that the respondent Nos.6 to 8 have started to raise three separate constructions on LR Plot No.2011 of mouza Kolan Radhakantapur, District-Murshidabad without any permission from the Amdahara Gram Panchayat, District-Murshidabad.

Mr. Betal, learned Advocate appearing on behalf of the respondent Nos.6 to 8 has submitted documents to show that each of the respondents is a beneficiary under the AWAAS Plus scheme, which is the popular name in West Bengal for the PMAY-G.

Under such circumstances, the Court is of the view that the respondent Nos.6 to 8 do not require permission

from the panchayat authorities under the first proviso to Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. However, as per the scheme, the drawing or a model sketch is supplied by the authority to the beneficiaries and the construction is to be done in terms of such drawing.

The petitioner is at liberty to approach the Block Development Officer, Bhagwangola-II Development Block, District-Murshidabad with his grievances by filing a representation. If such representation is filed, the same shall be disposed of in accordance with law. It is the specific contention of the petitioner that each of the respondents are raising separate concrete structures under the garb of PMAY-G scheme. Before any decision is taken, the petitioner and the respondent Nos.6 to 8 shall be heard. A reasoned order shall be passed and communicated to all. Steps shall be taken if any deviation from the model sketch plan is detected by the Block Development Officer.

This Court has not gone into the merits of such allegation.

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

As no affidavit-in-opposition has been called for, the allegations against the respondent Nos.6 to 8 are deemed to be denied.

A copy of the writ petition along with a server copy of this order be served upon the Pradhan of Amdahara Gram Panchayat, District-Murshidabad.

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.)