

S/L 23
16.11.2022
Court. No. 19
GB

W.P.A. 23801 of 2022

Talukdar Sk.
VS
The State of West Bengal & Ors.

Mr. Lutful Haque.

...for the Petitioner.

*Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De.*

...for the State.

Mr. Rajendra Banerjee.

...for the Respondent No.6.

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

Liberty is granted to the petitioner to correct the
cause title.

The writ petition is misconceived.

The petitioner has alleged that the Dabuk Gram
Panchayat has failed and neglected to take steps on the basis
of the complaint lodged by the petitioner with regard to the
alleged unauthorized construction of the respondent no.6.
The petitioner claims that the panchayat authorities must
demolish the structure in terms of Section 23 of the West
Bengal Panchayat Act, 1973.

The learned advocate for the respondent no.6 submits
that the construction was made under PMAY scheme.

The law is settled that any construction under a
housing scheme would not require permission from the
panchayat authorities. However, the issue as to whether the
construction on Plot Nos.729 and 732 of Mouza-Hajipur

pertaining to Khatian No.596 was made under the PMAY scheme or not, cannot be decided by this Court.

The writ petition is disposed of with a direction upon the Block Development Officer, Mayureswar Development Block to treat the writ petition as a representation and dispose of the same by passing a reasoned order, in accordance with law. Such order shall be communicated to the petitioner and the respondent No.6.

Needless to mention, the petitioner, the respondent no.6 and the Pradhan of Dabuk Gram Panchayat shall be heard. Whether the respondent No.6 had been enlisted as a beneficiary under such scheme for the alleged construction on the alleged plots will be available at the panchayat office. This Court has not expressed any views on the merits of the claims and counter-claims of the parties. The authorities shall decide the issue as to whether the alleged construction under the PMAY scheme was permitted and the respondent no.6 had complied with the eligibility criteria.

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

Accordingly, the writ petition is dismissed.

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.)