

12.12.2022
Sl. No.4(DL)
srm

W.P.A. No. 25270 of 2022
Tapan Pramanik alias Tapan Kumar Pramanik
Versus
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
....for the Petitioner.

Mr. Raja Saha,
Mr. S.P. Lahiri
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges that the authorities of Sarberia-II Gram Panchayat, District-Paschim Medinipur have been harassing the petitioner and preventing the petitioner from raising a construction on Plot No.632 pertaining to LR Khatian No.635 of mouza Godaipur.

The petitioner submits that in terms of Rule 30 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, the construction was permissible, by invoking the provision of deemed sanction.

The petitioner approached this Court by filing a writ petition being WPA No.6440 of 2022. The writ petition was disposed of by a co-ordinate Bench of this Court, by an order dated July 25, 2022. The petitioner was granted liberty to file

a comprehensive representation annexing the plan and the payment receipt before the panchayat authorities. If such plan and the representation were submitted, direction was that the panchayat authorities must dispose of the same within a period of 30 days from the date of submission thereof. It was specifically stated that in case of failure to consider the matter within a period of 30 days, as fixed by the order, the panchayat authorities would be restrained from interfering with the alleged construction.

This writ petition has been filed alleging inaction. Pursuant to the direction of this Court, the representation along with the plan and payment receipt had been submitted by the petitioner before the panchayat authorities. The authorities remained silent. After expiry of 30 days from such submission, the petitioner started raising the construction. Reference has been made to the relevant portion of the order, by which Her Lordship has restrained the panchayat authorities from interfering with the construction in question, in case of failure to dispose of the representation and the plan within 30 days from submission thereof.

Mr. Saha, learned Advocate appearing on behalf of the State-respondents, submits that the issue is pending before the panchayat authorities and the State-respondents do not have a role to play.

The panchayat authorities are not represented, despite service.

The writ petition is disposed of with the observation that the petitioner has been sufficiently protected by the learned co-ordinate Bench and both the parties; namely, the petitioner and the panchayat authorities are bound by the said order and obliged to comply with the same. No further order need be passed in the writ petition. However, this order shall not preclude the panchayat authorities from proceeding with the plan. Whether any original plan had been deposited upon compliance of all formalities and in the prescribed format along with the money, must also be decided. Such decision shall be taken within four weeks, upon hearing the petitioner. If there are reasons to withhold permission, the same shall be communicated to the petitioner. Till such decision the order of the learned co-ordinate Bench shall prevail.

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.)