

S/L 11
19.12.2022
Court. No. 19
GB

W.P.A. 27253 of 2022

Samad Mir & Ors.
VS
The State of West Bengal & Ors.

Mr. Subhas Jana.

...for the Petitioners.

*Mr. Gausul Alam,
Mr. Ranjit Rajak.*

...for the State.

*Mr. Bhabani Prasad Mondal,
Mr. Sukanta Mondal.*

...for the Respondent No.7 to 11.

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

The petitioners allege inaction on the part of the Kismat Naikundi gram panchayat. The petitioners complained before the said gram panchayat against the alleged illegal construction of the respondent nos.7 to 11. According to the petitioners, the construction has been made on Dag No.247 of Mouza-Machlandapur.

The learned advocate for the respondent nos.7 to 11 submits that they were authorized by the Pradhan of Kismat Naikundi gram panchayat to raise the construction. The permission as also the sanction plan have been produced before this Court. Such prayer was granted in 2015. The learned advocate submits that construction has been made in accordance with the plan.

The petitioner submits that the construction has been made in violation of the building rules as also in deviation of the plan. According to the learned advocate for the

petitioner, the mandatory side spaces have not been maintained.

The writ petition does not contain specific allegations. In the demand of justice, it has only been mentioned that there is a deviation from the plan. Unless there are specific averments with regard to the nature of deviation, the writ Court should not pass orders on such vague and omnibus allegations.

The writ petition is disposed of granting liberty to the petitioners to approach the authority in accordance with law by mentioning the nature of deviation from the plan. Thereafter, the authority shall act in accordance with law. The petitioners and the respondent nos.7 to 11 shall be heard. A reasoned order shall be passed and communicated to all.

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

If any illegality or irregularity is found, steps shall be taken in accordance with law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)