

06.02.2023
Court No. 19
Item No.18
CP

WPA No. 427 of 2023

Suresh Ranjan Sinha
Vs.
The State of West Bengal & Ors.

Mr. Anjan Dutta

....for the petitioner.

Mr. D. N. Mukherjee
Mr. J. Mandal

...for the State.

Mr. Amit Kr. Ghosh

...for the respondent no. 7.

The police report is taken on record.

The petitioner is granted liberty to approach the permission granting authority, i.e., the Chaitanyapur 3 No. Gram Panchayat with his grievances. It is alleged that the plan had been sanctioned in favour of the respondent no. 7 on the basis of incorrect information and misleading statements.

According to the petitioner, the sewerage was not clear. There was no drainage system. There was no provision for a sanitary latrine and the minimum space required to be kept vacant was not available. A 6 ft. wide road was also not available in front of such construction. According to the petitioner, the respondent no. 7 had filled in the form with false information and incorrect statements denoting that all such requirement had been fulfilled. It is alleged that the gram panchayat had

wrongly granted the sanction without making a proper enquiry as to the correctness of the statements made in the application and the application should have been preceded by an inspection in order to ascertain the correctness of the statements made in the application form.

The writ petition is not happily drafted and the court is of the view that no orders can be passed on the basis thereof.

Thus, the petitioner is granted liberty to approach the gram panchayat with the details of the alleged violations and the mis-statements allegedly made before the panchayat authorities. The petitioner is at liberty to provide information with regard to the actual state of affairs. If such approach is made by the petitioner, the representation of the petitioner shall be disposed of in accordance with law.

If the authority finds that the contentions of the respondent no. 7 were incorrect and misleading statements had been made, the authority shall be at liberty to recall, revoke or cancel the plan.

Before any action is taken by the authority, inspection in the presence of the parties shall be held in order to ascertain the truth. A report shall be prepared and supplied to the respondent No.7 and the petitioner. The parties will be allowed to respond to such report.

Thereafter, the petitioner, the respondent no. 7 and other co-sharers if any, shall be heard.

A reasoned order shall be passed and communicated to the parties.

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

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.)