

24.01.2023
Court No. 19
Item No.22
CP

W.P.A. No. 967 of 2023
Sri Saktipada Upadhyay & ors.
Vs.
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai
....for the petitioners.

Mr. Malay Singh
Ms. Neelam Singh
....for the State.

The petitioners have challenged the order passed by the Pradhan, Panchrol Gram Panchayat, on January 4, 2023. Such order was passed pursuant to a direction of this Court in WPA No. 1944 of 2022. The preliminary findings upon the inspection held by the gram panchayat are as follows:

- a) Construction on Plot No. 222 was without permission.
- b) Permission to construct under the PMAY(G) Scheme was granted to the petitioners in respect of Plot No. 1111.
- c) The water body had been substantially filled up. The irrigation facilities to the surrounding agricultural land has been hampered and the drainage system has also been disrupted due to such filling of the pond. The Block Land & Lard Reforms

Officer has been requested by the panchayat authorities to take steps, in accordance with law.

- d) The petitioners have been asked to show cause before the panchayat authorities why such construction on Plot No. 222 should not be dealt with in accordance with law. The police authorities have also been requested to take steps.

The court does not find any illegality with the order impugned. The same was issued upon inspection of the area. Further steps are to be taken by the panchayat authorities, in accordance with law with regard to the preliminary finding in respect of the construction on Plot No. 222 of Mouza – Panchrol.

With regard to the finding of filling up the pond, the Block Land & Lard Reforms Officer shall take necessary steps, in accordance with law. The panchayat authorities have the authority to ask the responsible party to restore the water body.

The panchayat authorities shall continue with the proceeding as directed by this court on September 21, 2022 in WPA No. 1944 of 2022 in respect of alleged unauthorized construction and reach the same to its logical conclusion.

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.)