

Item No.5  
28.02.2023  
Court. No. 19  
GB

W.P.A. 2420 of 2023

Sukanta Bardhan  
VS  
The State of West Bengal & Ors.

*Mr. Gazi Faruque Hossain,  
Mr. S. Paul*

*...for the Petitioner.*

*Mr. Gourav Das,  
Mr. Abdus Salam*

*...for the State.*

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

Despite service, none appears on behalf of the panchayat samity.

It appears that the contention of the petitioner that the Executive Officer of the Khanakul-II Panchayat Samity would be the appropriate authority to grant permission for construction of the boundary wall, was not correct.

The Executive Officer of the Khanakul-II Panchayat Samity after giving an opportunity of hearing to the petitioner pursuant to the direction of the Court, referred the matter to the Rajhati-II Gram Panchayat. The gram panchayat was directed to consider the issue of granting permission to the petitioner to construct a boundary wall, in accordance with law. The petitioner was also asked to follow the rules and regulations with regard to such construction.

The petitioner submits that the order of the Executive Officer, Khanakul-II Panchayat Samity was communicated to

the Rajhati-II Gram Panchayat, but no steps have yet been take.

The petitioner is granted liberty to make a proper application in a proper form as per the Act and Rules, seeking permission to construct the boundary wall. If such approach is made, the panchayat authority shall dispose of the prayer of the petitioner in accordance with law. A reasoned order shall be passed and communicated to all concerned. If there is any reason for not granting such prayer, the same shall be recorded in the order. If the application is made in the prescribed form and there are no impediments towards granting such permission, such permission shall be granted.

The entire exercise shall be completed within a period of two months from receipt of the petitioner's application, upon hearing the petitioner and other interested persons.

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.)**