

15.05.2023
Court No. 19
Item 01
CP

WPA No. 2573 of 2022

Krishnaprasad Bera
Vs
The State of West Bengal & Ors.

Mr. K.C. Das
Mr. Sk. Sahjahan Ali
... for the petitioner.

Mr. Jahar Dutta
Mr. Bipin Ghosh
....for the State.

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

The petitioner submits that an application in the prescribed form along with the sketch plan, had been submitted before the panchayat authorities. The panchayat authorities have kept the same pending. Aggrieved, this writ petition has been filed.

The petitioner claims to be a co-sharer in respect of Dag No. 782 of Mouza – Kudi. According to the petitioner, his brother (Co-sharer) does not have any objection if the petitioner raises any construction in the said plot. His brother has constructed a dwelling house upon obtaining permission from the panchayat authorities.

This submission can only be correct if the brother himself, gives a 'no objection', to the petitioner.

However, the fact that the application is pending, has to be addressed. Hence, this court disposes of the writ petition directing the panchayat authorities to process the application filed by the petitioner for grant of sanction. If such application has been filed in the prescribed form with necessary documents as required by law, necessary sanction shall be granted. While processing the application, if any deficiency is detected, the petitioner will be asked to rectify the defects and submit the required documents as also pay the fees, in accordance with law.

If the petitioner rectifies the defects, pays the fees and the authority is of the view that there was no dispute with regard to right, title, possession and interest of the petitioner in respect of the portion of land which was in his possession, necessary permission shall be given, strictly in accordance with law.

However, if the authorities are unwilling to issue sanction due to some irregularities or defects and/or if there are rival claims, a reasoned order shall be passed and intimated to the petitioner.

The entire exercise shall be completed within a period of two 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.)