

Court No. 19

WPA 4753 of 2023

23.03.2023

(A 100)

(S. Banerjee)

Nirmal Porel

Vs.

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das

... for the petitioner

Mr. Lalitmohan Mahata, AGP
Mr. Prasanta Behari Mahata

... for the State

Mr. Ujjal Roy

... for respondents

The petitioner alleges that the respondent nos. 6 and 7 had constructed over a water-body without taking permission from the Dehibatpur Gram Panchayat.

It appears from the pictures which have been annexed to the writ petition that the construction was temporary in nature and thus exempted from the provisions of Section 23 of the West Bengal Panchayat Act, 1973. Reference is made to Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

The allegation, that the construction had been made over a water-body, has been referred to the Block Land and Land Reforms Officer, Pursurah, by an order passed by the learned Executive Magistrate, Arambagh Sub Division , Hooghly.

Thus the Block Land and Land Reforms officer, shall proceed to deal with the allegation of construction

over a water-body without proper conversion, in terms of the provisions of the West Bengal Land Reforms Act, 1955.

The Panchayat authority shall ensure that no concrete or brick-built structure on the land in question, contrary to the provisions of law, is raised in future.

The petitioner is also at liberty to approach the Block Land and Land Reforms Officer for initiation of proceedings under Section 4C of the West Bengal Land Reforms Act, 1955.

The petitioner is granted further opportunity to approach any other, competent authority, to decide the allegation of construction over water-bodies.

However, it is made clear that if any portion of the construction, is either brick-built or concrete, in that event the panchayat authorities shall act and proceed in accordance with law upon giving an opportunity of hearing to all the interested parties.

The matter is disposed of.

This court has not gone into the claims and counter-claims of the respective parties.

Parties to act on server copies of the order.

(Shampa Sarkar, J.)