

May 18, 2023
Sl. No.A 198
Court No.19
s.biswas

WPA 4042 of 2019

Kamala Naskar and others
vs.
The State of West Bengal and others

Mr. Surajit Basu
Ms. Barnali Mukherjee

... for the petitioners

Affidavit of service filed by the petitioner is taken on record.

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

The petitioner alleges that an application in terms of Rule 19(3) of the West Bengal (Gram Panchayat Administration) Rules, 2004 had been submitted for permission to construct a boundary wall. The panchayat authorities have not disposed of the said application as yet.

The application filed by the petitioner before the Pradhan, Beladubi Gram Panchayat dated January 9, 2019 is annexed at page 54 of the writ petition.

The records do not reveal whether the petitioner had applied in the prescribed form along with prescribed fees, as required.

However, the petitioner is at liberty to approach the gram panchayat for necessary permission to construct the boundary wall. The gram panchayat shall communicate to the petitioner the formalities to be complied with. If the formalities are complied

with, the panchayat authority shall grant such permission. In case there are disputes with regard to co-sharership or with regard to right, title and interest in respect of the property in question, or any complaint is received, an enquiry shall be made and a reasoned order shall be passed indicating why the permission cannot be granted.

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.

Let plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to the petitioner on usual undertakings.

(Shampa Sarkar, J.)