

20.3.2023
Ct.19/sl.12
sn

W.P.A. 5202 of 2023

Tarapada Sandhaki & Ors.

Vs.

The State of West Bengal & Ors.

Mr. S.P. Lahiri

Mr. A Pradhan

Mr. T.K. Mahapatra

..for the petitioners

Ms. Chama Mukherjee

Mr. Aniruddha Mohanta

..for the State

The Lakhya No.2 gram panchayat shall dispose of the application of the petitioners seeking permission to construct a new temple on plot no. 1134 of mouza Kalikakundu. The petitioners submit that the prescribed form along with a plan and bankers cheque had been sent to the panchayat office through speed post. The track report indicates that the documents have been received. Copies of the documents have been annexed to the writ petition.

This issue cannot be adjudicated, as the panchayat authorities are not before this Court.

Under such circumstances, the Lakhya No.2 gram panchayat shall decide the entire issue by treating the writ petition as a representation, strictly in accordance with law.

It is made clear that if the panchayat authorities require the petitioners to file further

applications and comply with other formalities, they shall inform the petitioners, accordingly.

This Court has not gone into the merits of the allegations of the petitioners. The panchayat authorities shall deal with the entire issue strictly in accordance with law and the rules.

It is made clear that necessary permission shall be given only if there are no co-sharers in respect of the land in question and the concerned plan which has been submitted by the petitioners, conform to the requirements under the Building rules and Panchayat Act. The panchayat authorities may also require other interested parties, if any, including the petitioners, to appear before them with necessary documents, if further clarifications are required and it appears that there are other claimants in respect of the land in question.

As no affidavit has been called for, the allegations are deemed to be denied.

The entire exercise shall be completed within a period of four weeks from the date of communication of this order.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)