

03.04.2023
Ct.19/sl.15
sn

W.P.A.5339 of 2023

Arif Uz Zaman

Vs.

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
..for the petitioner
Ms. Sipra Mazumder
Ms. Srilekha Bhattacharyya
..for the State

The respondent nos. 9&10 had refused service.

The first prayer of the petitioner is for a direction upon the Pandua Gram Panchayat to demolish the illegal structure, which had been erected on the petitioner's land being LR plot no.211 of mouza Pandua. The land has been classified as 'sali', it is alleged.

The second prayer of the petitioner is for a direction upon the panchayat authorities to stop the illegal running of piggery business from the said premises.

The report prepared by the Pandua Gram Panchayat and forwarded to the Block Development Officer, Pandua Development Block, which was in turn sent to the petitioner, has been submitted. It appears that an inspection was made by the gram panchayat. It was found that the land, which is in dispute, was located on the banks of the DVC canal in a village called Kamarpara. Two mud houses of

which one was broken, had been found. A pig was found in the location. No permission had been granted by the gram panchayat for construction of mud house.

The law makes it very clear that unauthorized construction within the local limits of the gram panchayat cannot be permitted. However, exceptions have been made under Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, which provides that temporary structures, including mud houses are exempted. Only brick built structures require permission from the authority.

Thus, the Pandua gram panchayat shall ensure that in future, no permanent or brick built structure is erected on the land in question, without proper permission or sanction. Secondly, the authority shall ensure that a piggery business cannot be carried on. For commercial use, permission from the panchayat is necessary.

At the moment, only one pig was found, which did not indicate that a business was going on. Moreover, unauthorized construction had not been detected on the land.

With the above observations, this writ petition is disposed of.

The petitioner, however, is always at liberty to approach the appropriate civil court for other reliefs.

The observations of the Pradhan shall not be relevant in the civil suit which may be filed by the petitioner.

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.)