

21.03.2023
Court No. 19
Item 6 (ML)
CP

WPA No. 6770 of 2022

Rafikul Khan alias Rafikul Ali Khan
Vs.
The State of West Bengal & Ors.

Ms. Madhumita Patra
....for the petitioner.

Despite service, none appears on behalf of the respondents.

As this court is not inclined to pass any mandatory directions as prayed for, but deems it fit to relegate the matter to the permission granting authority, this writ petition is taken up in their absence.

The petitioner is aggrieved by the inaction of the Pradhan, Daspur-1 No. Gram Panchayat in permitting the petitioner to construct on L.R. Dag No. 407 of Mouza - Laoda. The contention of the petitioner is that the respondent nos. 4 to 6 had objected. The petitioner also contends that an application in the prescribed form along with the proposed plan and all other documents, could not be filed in the office of the gram panchayat as the gram panchayat authorities refused to entertain the petitioner.

The petitioner is granted liberty to approach the said gram panchayat with all necessary applications in the prescribed form as also with the supporting documents. Once the documents and application, including the prescribed fees are deposited, the application shall be processed. If there are objections, the objectors shall be heard. If there are other co-sharers, those parties shall also be heard and, thereafter, necessary orders shall be passed in accordance with law. The order shall be communicated.

If the petitioner can establish right, title and interest in respect of the property in question and the rules pertaining to grant of sanction are complied with, permission shall be granted. If there are reasons for not granting permission including any dispute with regard to right, title, interest, possession or there are objections by the co-sharers etc, then the said reasons shall be reflected in the order.

The entire exercise shall be completed within a period of two months from the date of the petitioner depositing the application and the other necessary documents.

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.)