

04.04.2023
Court No. 19
Item no.09
CP

WPA No. 7486 of 2023

Sri Partha Sarathi Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. R. Ahmed
Mr. R. Das
Mr. Souvik Ghosh

....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

.....for the State.

The Block Development Officer, Chanditala - II
Development Block shall treat the writ petition as a
representation and dispose of the same in
accordance with law.

According to the petitioner, in terms of a decree
of a civil court he had constructed a boundary wall
around Plot No. 572 of Mouza – Barijahatty by
leaving a two feet gap between the public pathway
and the boundary wall. The gap was maintained for
drainage of waste and dirty water from the premises
of the petitioner.

Allegedly, the panchayat authority started
widening the public pathway thereby encroaching the
said two feet land.

A complaint was also submitted before the Block Development Officer on November 23, 2021. The Block Development Officer directed the police authorities to ensure that no construction activities should be carried out, before the matter was heard.

The petitioner alleges that the construction was completed and the public road encroached the land of the petitioner, resulting in complete blockage of the sewerage.

The Block Development Officer shall hear the petitioner, the gram panchayat authorities and all other interested parties and pass a reasoned order. The order shall be communicated to all.

The authority will hold an inspection in order to ascertain whether any portion of the land of the petitioner had been utilized for the purpose of construction of the road. The inspection shall be held with the help of an Amin from the office of the concerned Block Land & Land Reforms Officer.

It is made clear that in the event the allegation of the petitioner is found to be correct, steps should be taken to ensure that the drainage system around the petitioner's house is either restored or a new drainage system is constructed so that the dirty water and other wastes can pass without causing any hindrance or stagnation.

The law casts a duty and an obligation on the panchayat authorities to ensure proper and hygienic sanitation in the area, and as such, the authorities must take steps in this regard, as observed earlier.

A reasoned order shall be passed and communicated to the petitioner.

The entire exercise shall be completed within a period of three 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.

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

(Shampa Sarkar, J.)