

01.03.2023
Court No. 19
Item no.04
CP

W.P.A. No. 7831 of 2022
Minajaddin Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Mobaidur Hossain
....for the petitioner.

Mrs. Anwari Quraishi
Mrs. Zainab Tahur
...for the State.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the
respondent nos. 5, 7 and 8.

The petitioner has made an allegation that the
authorities of Shyamnagar Gram Panchayat failed
and neglected to discharge their duties cast upon
them, under Section 24 of the West Bengal
Panchayat Act, 1973. The petitioner is a resident of
Dag No. 2533 of Mouza – Shyamnagar. The petitioner
claims that respondent nos. 7 and 8 have installed
certain water taps and tubewells just in front of the
house of the petitioner which has resulted in
stagnation and overflow of dirty water. According to
the petitioner, such water logging was serving as a
breeding ground for mosquitoes and has resulted in
health hazards.

Improvement of sanitation is the duty of the
gram panchayat. Section 24 of the West Bengal

Panchayat Act, 1973 empowers the gram panchayat to take all actions to maintain proper sanitation. The authority also has the power to ask any person living within its jurisdiction to either remove, alter, repair, disinfect and clean up any garbage and also remove dirty water etc.

Under such circumstances, the writ petition is disposed of with a direction upon the Shyamnagar Gram Panchayat to dispose of the representation of the petitioner which is annexure P-4 to the writ petition, in accordance with law. Maintenance of the panchayat road as also the sanitation in the locality, being the job of the gram panchayat, the gram panchayat cannot avoid the responsibility to ensure that all the citizens live in a healthy and hygienic condition.

The representation shall be disposed of upon hearing the petitioner as also the respondent nos. 7 and 8. Prior to such hearing an inspection of the locality shall be held in order to ascertain whether the contention of the petitioner is correct or not.

If the allegation is found to be correct, alternative measures shall be adopted in order to ensure that there is no overflow of dirty water across the panchayat road to the neighbouring lands.

The entire exercise shall be completed within a period of two months from the date of

communication of this order. A reasoned order shall be passed and communicated to all.

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.)