

02.05.2023
Sl. No.9(DL)
srm

W.P.A. No. 8863 of 2023

Sri Kalipada Mondal

Vs.

The State of West Bengal & Ors.

Mr. Manabendra Thakur,
Mrs. Pampa Dey Dhabal,
Mr. Swarup Kumar Ghosh

....for the Petitioner.

Mrs. Chama Mookherjee,
Ms. Sujata Ghosh

...for the State-respondents.

Despite service, none appears on behalf of the panchayat authorities. Affidavit-of-service is taken on record.

The writ petition is disposed of with a direction upon the Basudebpur Gram Panchayat, Paschim Medinipur, to consider the application filed by the petitioner seeking permission to construct a boundary wall.

If it is found that the petitioner had submitted the application in the prescribed form and in accordance with the provision of law, such permission shall be granted.

The authority shall ensure that there is no dispute with regard to the right, title, and interest of the petitioner

in respect of the land in question. If there are any clarifications or verifications required, the authority will call upon the petitioner to provide the same. If there are other persons objecting to such construction, those persons shall also be heard. The panchayat authorities will cause an inspection of the site in order to ascertain the factual aspects. Thereafter, upon granting an opportunity of hearing to all concerned, necessary decision shall be taken and communicated.

If the authority finds that there are disputes over the land in question or there are objections on account of which permission cannot be granted, such reason shall be disclosed to the petitioner by passing a reasoned order.

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

A copy of the writ petition along with a server copy of this order be served upon the Secretary, Basudebpur Gram Panchayat, Paschim Medinipur.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)