

Court No. 19

WPA 9165 of 2023

08.05.2023

(AD 7)

(S. Banerjee)

Aditya Roy

Vs.

The State of West Bengal & Ors.

Mr. Abirlal Chakravorti
Mr. Anindya Sundar Das

... for the petitioner

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

... for the State

Mr. Atarup Banerjee
Mr. Samit Bhanja
Mr. Rajdeep Pramanik
Ms. S. Nandy
Ms. Ujjayani Banerjee

... for the respondent no. 6

The writ petition has been filed alleging that the respondent no. 6 has raised a construction on Dag No. 538 and 539 corresponding to J. L No. 426, without any permission from the Binpur Gram Panchayat.

Mr. Banerjee, learned advocate for the respondent no. 6, denies such contention and submits a receipt granted by the concerned Gram Panchayat indicating that fees for sanction to raise a construction, had been paid. He further submits that since the construction had been made in 2001, property taxes had also been paid.

A photograph of the construction has been submitted in order to show that beyond the two storeys, no further construction had been raised.

Thus, the allegation of the petitioner with regard to the unauthorized construction, has now transformed into a disputed question of fact, which can only be decided by the competent permission-granting authority.

The petitioner is granted liberty to approach the Binpur Gram Panchayat with a query as to whether any sanction had been granted in terms of the documents produced by Mr. Banerjee, learned advocate for the respondent no. 6, for construction of two storeys on Dag No. 538 and 539. If the answer is in the affirmative, no further steps need be taken by the Panchayat authorities save and except to ensure that the construction is strictly in accordance with the sanction as well as the building rules. However, if the answer is in the negative and the petitioner is informed that no such permission had been granted, the remedy of the petitioner to request the appropriate authority to proceed in accordance with law in respect of the said construction, is kept open. The information shall be supplied to the petitioner within a week from the date of receipt of the query.

Needless to mention, this court has not gone into the merits of the allegation.

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.)