

05.04.2023
Court No. 19
Item no.43
CP

WPA No. 9381 of 2022

Samarendra Nath Patra
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
....for the petitioner.

Mr. Rama Prasad Sarkar
Ms. Anita Deb Jana
.....for the State.

Mr. Manaranjan Jana
Ms. Mitali Jana
....for the private respondent.

The writ petition has been filed alleging that the respondent no. 9 had made an illegal construction on a part of Plot No. 869 of Mouza – Gopinathpur, without obtaining permission from the panchayat authorities.

The learned advocate for the respondent no. 9 submits that the portion of the land owned and occupied by the respondent no. 9 had been transferred to his son, namely, Ranjit Patra and the construction had been made by the son, upon obtaining sanction from the Basantia Gram Panchayat. A copy of the plan has been submitted before the court in support of such contention.

The court finds that the plan was sanctioned. The signature and seal of the pradhan appears on the body of the plan.

Under such circumstances, the allegation of Mr. Manna, learned advocate for the petitioner, that the construction was without any permission is not accepted. However, the panchayat authorities shall only ensure that the construction should be made in accordance with the plan which had been sanctioned. The petitioner shall also be informed whether any plan had been sanctioned in favour of Ranjit Patra for construction on the above-mentioned land.

Alternatively, if the petitioner approaches the panchayat authorities in future alleging deviation from the plan or violation of the rules in course of such construction, the authorities shall act and proceed in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973, upon hearing all concerned parties.

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.)