

02.05.2023
Court No. 19
Item 16
CP

WPA No. 9790 of 2023

Sk. Rafikul Islam
Vs.
The State of West Bengal & Ors.

Mr. Rafikul Islam Sardar
... for the petitioner.

Ms. Sipra Majumdar
Ms. Prativa Ghatak
... for the State.

The petitioner alleges that although a portion of Plot No. 1654 had been converted to bastu vide Case No. 344 of 2006 to the extent of 4 decimals, the Pradhan of Nandigram No. 4 Gram Panchayat was not disposing of the application of the petitioner for grant of sanction for construction on the said plot. The petitioner submits that he proposes to construct a dwelling house exclusively within the portion recorded as bastu in the record of rights.

An application in the prescribed form along with necessary documents have been annexed to the writ petition. However, it does not appear that the prescribed fees have been paid.

Under such circumstances, the writ petition is disposed of with a direction upon the concerned gram panchayat to dispose of the application of the petitioner, in accordance with law.

If the authorities find that the application is incomplete and either the prescribed fees have to be paid or the supporting documents have to be filed, intimation shall be given to the petitioner to rectify the defect and resubmit the application in the proper form along with the associated documents and fees as per the calculation of the authority.

If the authorities, upon inspection of the spot, find that there may be reasons to believe that the contention of the petitioner may not be wholly correct and there are disputes with regard to the land and construction thereupon, such reasons shall be reflected in the order to be passed by the authority. In that event, the petitioner and all other parties who have raised objections to the petitioner's construction, shall be heard.

However, in the absence of any controversy with regard to the land in question, permission shall be granted strictly in accordance with law, upon the petitioner complying with all the formalities.

The entire exercise shall be completed within a period of two 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.)