

Item No.16
08.05.2023
Court. No. 19
GB

WPA 10616 of 2023

Suklal Mandal
Vs
The State of West Bengal & Ors.

Mr. Ayan Kumar Boral,
Mr. Anisur Rahaman

...for the Petitioner.

Ms. Sutapa Sanyal,
Mr. Anand Farmania

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges that despite having applied for permission along with all requisites and fees including a plan drawn by an engineer having a diploma in civil engineering, the authorities of Dafarpur Gram Panchayat have not taken any steps.

It is submitted by the petitioner that to his knowledge, there has never been any dispute with regard to the ownership, possession and title of the land in question.

The writ petition is disposed of with a direction upon the Dafarpur Gram Panchayat to consider the prayer for grant of sanction made by the petitioner, in accordance with law. The authority shall consider whether the petitioner had complied with all the necessary formalities for grant of such sanction. In case, there are objections with regard to the sanction from any person acting in any capacity, the authority shall inspect the premises in question and allow the parties to

make their submissions in respect of the prayer for sanction and/or objection to the same.

If the authorities are of the view that necessary compliances had been made and permission/sanction could be granted to the petitioner without any impediment under the law, necessary order shall be passed and communicated to the petitioner.

If the authority requires the petitioner to submit further documents or rectify certain defects in the application process, intimation shall be provided to the petitioner and upon the petitioner complying with all such formalities, necessary orders shall be passed granting such sanction, strictly in accordance with law.

However, if the authority finds that the sanction cannot be given for legitimate reasons, such reasons shall be disclosed in the reasoned order and the same shall be communicated to all concerned.

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