

May 18, 2023  
Sl. No.13  
Court No.19  
s.biswas

WPA 10870 of 2023

*Srihari Mondal*

*vs.*

*The State of West Bengal and others*

Mr. Mukteswar Maity  
Ms. Nupur Chaudhuri

... for the petitioner

Mr. Raja Saha  
Mr. Amit Kr. Ghosh

... for the State

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the respondent nos.7 to 10.

As the Court is not inclined to pass any mandatory direction as prayed for, but deems it fit to relegate the matter to the permission granting authority for determination of the allegation of unauthorized construction, the writ petition is taken up in the absence of the respondent nos.7 to 10.

The petitioner submits that due to excavation of earth by the respondent nos.8 and 9 for the purpose of pisciculture on a land adjacent to the area on which the house of the petitioner exists, the drainage system of the petitioner's house has been affected.

The petitioner has already approached the Pradhan, Sridhar Nagar Gram Panchayat, by filing a representation dated September 28, 2022, which is annexed as Annexure P/6 at page 36 of the writ petition.

The Court is not inclined to go into merits of the allegation of the petitioner, but directs the Sridhar Nagar Gram Panchayat to dispose of the representation of the petitioner in accordance with law. An inspection shall be held in presence of the parties. A report shall be prepared and handed over to the parties. The concerned gram panchayat shall ensure that proper drainage facilities are implemented in the area. Improvement of sanitation and maintenance of hygiene are the duty of the concerned gram panchayat. Section 24 of the West Bengal Panchayat Act, 1973 deals with the same.

However, if the Pradhan of the Sridhar Nagar Gram Panchayat faces any difficulty to resolve the issue, the matter may be referred to the higher authority in view of the fact that some of the adjacent lands belong to the Irrigation Department and the Department of Forests. Only a proper drainage system must be installed upon cooperation between the gram panchayat and other departments.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Let plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to the petitioner on usual undertakings.

**(Shampa Sarkar, J.)**