

S/L 14
22.2.2023
Court. No. 19
sn

W.P.A. 10727 of 2022

Smt. Azima Khatun & Ors.
VS
The State of West Bengal & Ors.

Mr. Subhasish Pachhal

...for the petitioners

Mr. Malay Singh

Mr. Bibekananda Tripathi

..for the State

Mr. S.P. Lahiri

Mr. Keshab Chandra Das

..for the respondent no.3

The Pradhan of Babnan Gram Panchayat is present in Court today. Her personal appearance is dispensed with. Relevant documents have been produced before this Court.

The petitioner wanted to construct a drain and cover the same. It appears that in order to redress the grievance of the petitioners, an order had been passed by a Co-ordinate Bench directing the panchayat authorities to dispose of the petitioner's representation.

Pursuant to such order, both the parties appeared at the hearing and during an inspection held by the panchayat authorities. Both the parties brought their respective Amins. It was found that there was some encroachment by the petitioners.

The panchayat authorities rightly abstained from deciding the issue of encroachment and allowed the petitioners to construct an additional soak pit next

to the septic tank, in order to prevent over flow of waste and foul water to the neighbouring areas. The panchayat authorities were of the view that the only way to maintain a hygienic condition in the area was to permit construction of the soak pit.

The contention of the petitioners that the dispute between the petitioners and the respondent nos.5&6 with regard to the boundaries, had not been resolved. The allegation that the pre-existing soak pit was covered up by the respondent Nos. 5 and 6, also cannot be adjudicated by the authorities unless boundaries are demarcated. The panchayat authorities conducted their enquiry, made their inspection, measured the land with the help of the Amins brought by the respective parties. Encroachment by the petitioners, was detected.

To avoid stagnation of dirty water, the petitioners were permitted to construct a soak pit next to the septic tank. Documents of hearing and inspection, have been produced before the court. The resolutions have been signed by the petitioners.

In effect, the petitioner now wants this court to decide a boundary dispute and pass necessary orders upon the gram panchayat. Such prayer of the petitioner, cannot be allowed.

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.)