

Item No.251

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24
BP

WPA 15303 of 2023

Gopal Chandra Naskar
v.
The State of West Bengal & Ors.

Mr. Subhendu Banerjee
..for the petitioner

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty
..for the State

Affidavit of service filed in Court today is taken on record.

The order dated 29th May, 2023 passed by the Block Development Officer, Mandirbazar Development Block allegedly in compliance of the direction passed by this Court in WPA 19296 of 2022 (Gopal Chandra Naskar vs. The State of West Bengal & Ors.) has been placed before this Court.

It appears therefrom that the Block Development Officer considered the issue of unauthorized construction and records that the parties constructed house by keeping only negligible gap. There is no upper ceiling of area of a house constructed under PMAY (G) fund.

The Block Development Officer has opined that the house has not been constructed as per the provision of sub-rule 1(a) of Rules 20 and 23 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

The Block Development Officer instructed the private respondent to install proper drainage system so that the rain water will clearly pass out without making harm to the house of the petitioner.

The Court in the earlier writ petition did not accept the allegation of construction without permission from the authorities and contrary to the building rules.

The petitioner appears to have raised the same issues all over again.

In view of the above, the private respondent is directed to act in strict accordance with the direction passed by the Block Development Officer. The Block Development Officer is directed to ensure that the direction passed in the order dated 29th May, 2023 for installation of proper drainage system is implemented at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)