

17.05.2023
Court No. 19
Item 04
CP

WPA 17255 of 2022

Bimal Kanti Ghosh

vs.

The State of West Bengal and others

Mr. Arun Naskar

Mr. G. C. Gupta

... for the petitioner

Mr. Prasanta Kr. Giri,

Ms. Sanjukta Samanta

... for the State

Ms. Koyeli Bhattacharyya

... for the respondent no.8

Ms. Mekhla Sinha

... for the Howrah Zilla Parishad

The writ petition is disposed of with a direction upon the Block Development Officer, Domjur to enquire into the matter and ascertain whether the area where the petitioner and the respondent no. 8 reside, has adequate provisions for drainage of waste and dirty water.

Learned advocate for the respondent no. 8 submits that the panchayat authorities have already intimated the said respondent that an alternative route has been chalked out for construction of the alleged drain from the house of the petitioner to the poultry farm of Naren Ghosh.

The Block Development Officer shall enquire whether such plan had been adopted and ensure execution of the plan by the panchayat authorities so that none of the parties suffer.

The law casts a duty upon the gram panchayat to maintain health, hygiene and sanitation in any area under its jurisdiction and the panchayat authorities must take immediate steps to ensure that the drain is constructed as per the final decision of the authority.

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

The objection of the petitioner to the alternative route is not accepted by the court as it is not for the petitioner to dictate the route through which the panchayat authorities should construct the drain. The initial decision to construct the same through a particular route was objected to by the villagers as the same would allegedly give rise to inconvenience to some of them. Hence the panchayat authorities, according to the learned advocate for the respondent no. 8, had decided an alternative route. As long as the petitioner's purpose is served, he should not be aggrieved.

Thus, this court does not see any difficulty and irregularity on the part of the panchayat authorities. However, the court mandates that a proper drainage system should be constructed in the said area so that the petitioner, the respondent no. 8 and the other villagers benefit from the same.

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.

Parties are also directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)