

28.04.2023
Court No. 19
Item 216
CP

WPA No. 17797 of 2022

Sri Ratan Bhandari
Vs.
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh
Mr. Kuntal Ray
Mr. Somesh Kumar Ghosh
.....for the petitioner.

Mr. Bhagbat Chaudhuri
Mr. M.A. Zinna
....for the respondent nos. 9 to 12.

Mr. Susanta Pal
Mr. Prabir Kumar Ray
.....for the State.

It appears that a decision had been arrived at by the Garalgacha Gram Panchayat that the construction of the respondent nos. 9 to 12 had partially encroached a panchayat road. The said respondents were asked to remove the encroachment.

The contention of the petitioner is that unless the encroachments are removed, the sanitation in the area would not improve.

The panchayat authorities have been empowered by Section 25(2) of the West Bengal Panchayat Act, 1973 to take steps for removal of any encroachment from any public street or road under the control and management of the gram panchayat.

Accordingly, it appears that a resolution has already been adopted by the gram panchayat, but the respondent nos. 9 to 12 have allegedly not complied with such direction.

Learned advocate for the respondent nos. 9 to 12 submits that only a few stairs had been constructed on the panchayat road which shall be removed.

Under such circumstances, the writ petition is disposed of with a direction upon the Pradhan, Garalgacha Gram Panchayat to ensure compliance of the resolution of the gram panchayat adopted in the meeting dated May 8, 2021 in presence of all the parties.

The concerned Block Development Officer will ensure that the gram panchayat take steps accordingly, in the presence of all the affected parties.

Such steps shall be taken within a period of one month from the date of communication of this order, unless the respondent nos. 9 to 12 voluntarily remove the encroachment within a week from date.

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.)