

S/L 1
16.1.2023
Court. No. 19
sn

WPA 19238 of 2022

Nani Gopal Saha
VS
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay
Mr.Arjun Samanta
...for the petitioner

Mr. Santanu Kr. Mitra
Mr.Subhabrata Das
..for the State

None appears on behalf of the respondent no.11.
This Court had directed the authorities to ensure that the alleged septic tank and the lavatories etc. are cleaned up so that the hygienic condition in the area is restored. Such order was passed in the presence of the respondent no.11. The said respondent has been objecting to the cleaning and repairing of the septic tank.

It appears that the Pradhan of the Bethuadahari-1 Gram Panchayat informed the Inspector in Charge, Nakashipara Police Station that during the cleaning of the septic tank, mud slabs were damaged but one Sudeb Saha obstructed in the repairing work. The septic tank is at present filled with water.

The panchayat authorities have shown an intention to clean up the septic tank. The septic tank is situated within a disputed property used by the

petitioner and the respondent no.11. The order passed by this Court cannot be detrimental to the interest of either of the parties.

Section 24 of the West Bengal Panchayat Act, 1973 authorizes the gram panchayat to do all acts necessary for and incidental to improvement of the sanitation in the area. The panchayat may require the owner and occupier of the building to remove alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water closet, drain, or other receptacle for filth, sullage etc. In this case, the septic tank was overflowing and there was leakage. The area was getting polluted and was causing health hazard.

The writ petition is disposed of with a direction upon the Pradhan of Bethuadahari-1 Gram Panchayat to ensure that the septic tank is cleaned and repaired without any addition or alteration to the existing structure. The work will be supervised by the panchayat. The cost shall be borne by the petitioner. The septic tank shall be made useful in order to avoid spillage of dirty water and sewage. Under the law, the panchayat authorities are authorized to ensure proper functioning of the household drainage system and issues relating to sanitation can be looked into by the authority.

The petitioner shall not claim any equity in respect of such septic tank. No right, title and interest

with regard to the property in question has been decided. The other remedies available to the respective parties under the law, have neither been decided nor considered.

This order is being passed in order to ensure that a healthy and hygienic condition exists in the property so that the persons living in and around the same, can enjoy a clean and healthy environment.

The Officer in Charge, Nakashipara Police Station shall provide assistance through his police station as and when the cleaning and repairing work of the septic tank is done by the panchayat authorities.

With the above observations, this writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act server copy of this order.

(Shampa Sarkar, J.)