

02.01.2023
Sl. No.37(ML)
srm

W.P.A. No. 27210 of 2022

Alima Begam

Vs.

The State of West Bengal & Ors.

Mr. Sudip Sarkar,
Mr. K.P. Santra

....for the Petitioner.

Mr. Malay Singh,
Ms. Neelam Singh

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent No.12.

The petitioner alleges that the Pantra Gram Panchayat, District-Hooghly, had failed and neglected to ensure that the unauthorised construction of the respondent No.12, which was being allegedly carried on in violation of the ad interim order of injunction should be stopped.

The Pradhan had replied to certain queries made by the petitioner under the Right to Information Act. The petitioner was intimated that upon being informed of the order passed by the learned Civil Court, a stop work notice

had been issued to the concerned respondent by the panchayat authorities.

The petitioner submits that despite such stop work notice, the construction is going on in flagrant violation of the order of *status quo*/injunction.

The Block Development Officer, Haripal Development Block has filed a report through the learned Advocate for the state respondents, containing certain documents received from the Pradhan of the concerned gram panchayat.

It appears that the building permission granted by the concerned gram panchayat to the respondent No.12 had been cancelled. An intimation to this effect was sent to the said respondent on November 7, 2022. Prior to such cancellation, a notice was issued to the respondent No.12 dated October 11, 2022. By the said notice, the respondent No.12 was intimated that as the title with regard to the concerned plot was the subject matter of a civil suit and the permission to build had been taken from the panchayat authorities without obtaining a 'no objection' from the co-sharers, the said respondent should not make any further construction on the basis of the permission already granted. It appears that thereafter the gram panchayat at its meeting held on October 28, 2022 cancelled the building

plan. The resolution of the gram panchayat has also been produced before the Court. The said report is taken on record.

Under such circumstances, nothing remains to be decided in the writ petition. The grievance of the petitioner against the panchayat authorities does not survive. The writ petition is accordingly disposed of.

This Court has not gone into the merits of the order of cancellation of the building plan. The correctness of the order is left to be decided at an appropriate proceeding, if challenged. All that this Court has decided is that the petitioner cannot have any further grievance against the gram panchayat regarding inaction in respect of the complaint lodged by the petitioner.

The petitioner is at liberty to approach the learned civil court for implementation of the order of injunction and also to pray for further orders on the ground of violation of the order of injunction. Such issues, if raised, by the petitioner, shall be decided on contest and merits.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)