

Item No.1(JPD)

In The Circuit Bench of High Court Calcutta at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

28.06.2023
Ct-24

WPA 1304 of 2023
Taslima Begum & Ors.
v.

The State of West Bengal & Ors.

Mr. Ambar Nath Banerjee
Ms. Amrita Panja Moulick
... for the petitioner.

Ms. Ashmita Chakraborty
Mr. Tanoy Chakraborty
... for the State.

The petitioners pray for a direction upon the Panchayat Authority to permit them to raise boundary wall around their land being RS Dag No. 867(Part) corresponding to LR Dag No. 523, Khatian No. 60, Touzi No. 91, JL No. 94, Mouza-Dumriguri, P.S.-Naxhalbari (erstwhile) and presently Bagdogra, Siliguri, District-Darjeeling.

The petitioners refer to the representation dated May 15, 2023 which was submitted before the Pradhan of the Lower Bagdogra Gram Panchayat.

From the track report annexed with the writ petition it appears that the said letter dated May 15, 2023 was posted on the June 7, 2023 and the same was delivered to the addressee on June 12, 2023.

It appears that in the meantime, the State Election Commission declared the dates for the Panchayat

General Elections, 2023. Accordingly, the prayer of the petitioners could not be considered.

Learned advocate representing the State respondents has obtained instruction from the respondent authorities and the Pradhan of the Gram Panchayat.

It has been submitted that for the purpose of construction of the boundary wall, application in proper form (Form-4) is required to be filed. The petitioners in the instant case are yet to file proper application.

It has been submitted that, in the event, a proper application is made, the same shall be considered by the authorities.

On perusal of the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties it appears that the writ petition has been filed by one Sandip Ghosh claiming to be Power of Attorney Holder of the petitioners. Application for construction of boundary wall was made by the constituted attorney. The General Power of Attorney notarized on March 21, 2023 has been annexed to the writ petition.

It will be open for the petitioners to make appropriate application seeking permission for construction of boundary wall.

If the petitioners make appropriate application before the concerned authority seeking permission for construction of the boundary wall, the same shall be considered by the appropriate authority in accordance with law at the earliest.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)