

Sl. 23
09.09.2024
Suman
Ct.No.15

WPA 11324 of 2024

Sri Jagabandhu Saha
Vs.
The State of West Bengal and Ors.

Mr. Debasish Das
..for the petitioner

Mr. Priyabrata Ghosh
..for the State

It is not in dispute that the petitioner obtained a sanctioned plan dated May 14, 2020, for construction of a boundary wall at R.S. Plot no.2902, L.R. Plot no.3832, Mouza -Kasba-Egra, J.L. No.23, Khatian No.10254, district- Purba Medinipur.

The petitioner, however, could not construct the boundary wall in terms of the said sanctioned plan and approached this Court by filing WPA 22985 of 2023 seeking a direction upon the municipality to consider his representation dated May 31, 2023, for construction of this boundary wall again.

The said writ petition was disposed of by a Co-ordinate Bench of this Court on November 20, 2023, giving a direction upon Egra Municipality to

pass a reasoned order regarding construction of the boundary wall.

It appears that in terms of the said order, Egra Municipality passed the following order dated February 1, 2024.

*“You are hereby requested as per discussion taken in the meeting earlier with you and hearing consent with the discussion in the said meeting to construct the boundary wall at eastern side at **Kasba Egra Mouza, J.L. No.23, Dag No.3832**, keeping apart one feet from boundary line for laying water line to supply drinking water, underground electric line to supply electric power etc. for the interest of public service keeping pace with the honour of resolution of B.O.C. in this regard”.*

Learned advocate appearing for the petitioner, in my view, has rightly pointed out that the petitioner cannot be asked to keep one-foot gap from the boundary line for constructing the boundary wall. If any part of the land of the petitioner is required for any public purpose, it should be acquired in accordance with law with appropriate compensation provided. The petitioner cannot be expected to voluntarily provide such space as directed by the order dated February 1, 2024.

In that view of the matter, the letter dated February 1, 2024 is set aside.

The Municipality shall allow the petitioner to construct the boundary wall in terms of the sanctioned plan dated May 14, 2020.

The petitioner, however, shall complete the construction of the boundary wall within a period of three months from date.

Accordingly, **WPA 11324 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)