

10.06.2024
Ct. No. 2
Item No. 11
Cp

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA No. 1007 of 2024

Mrinal Shil
Vs.
The State of West Bengal and Ors.

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioner.

Mr. Subir Kr. Saha
Mr. Sandip Guha Roy

.....for the State respondents.

Mr. Bikash Singha

...for the respondent nos. 7 to 9.

1. Affidavit of service is taken on record. Despite service, none appears on behalf of the panchayat authorities.
2. The petitioner contends that the respondent nos. 7 to 9, have covered up a drain which was being maintained by the Paharpur Gram Panchayat. Petitioner approached the Pradhan, Paharpur Gram Panchayat by filing a complaint dated January 11, 2024. The petitioner contends that the said representation has not been disposed of and no steps have been taken by the panchayat authorities in discharge of the duties and obligations under Section 24 of the West Bengal Panchayat Act, 1973.

3. Learned advocate for the respondent nos. 7 to 9 submits that the drain is adjacent to the house of the petitioner and the petitioner himself had covered the drain with a concrete slab, for his ingress and egress. The allegations against the respondent nos. 7 to 9 were baseless.

4. Improvement of sanitation is the duty of the gram panchayat. The gram panchayat is required to ensure that the owners and occupiers of lands and buildings alongside any drain, should not commit any nuisance by closing or dumping rubbish in such drains which would affect the sanitation of the locality. The panchayat authorities have been empowered by law to require the owners and occupiers of such buildings and land to do certain acts for removal of filth and dirt from the drains. The panchayat authorities are further empowered to remove all filth, dirt, sullage, rubbish, etc. from the drains and also clear vegetation undergrowths, etc. to ensure the smooth functioning of the sewerage.

5. Under such circumstances, the writ petition is disposed of with the direction upon the competent authorities of Paharpur Gram Panchayat to take necessary action under section 24 of the West Bengal Panchayat Act, 1973 on the basis of the contention of the petitioner and while doing so, to pass necessary orders and issue directions upon the

petitioner, the respondent nos. 7 to 9 and all persons residing in the locality so that the sewerage is not blocked in any way and there is clear outlet of dirty water from the locality. Efforts should also be made to keep the area clean and also to excavate any silt deposit from the drains to make them deep enough to facilitate easy passage of dirty water. The panchayat authorities cannot disregard its liability under the law to keep the area clean, by maintaining high sanitation standards. The petitioner is directed to communicate this order to the Pradhan and the Secretary of the concerned Gram Panchayat.

6. The writ petition is accordingly disposed of.

7. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)