

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

181 18.2.2025
Sc Ct. no.39

WPA 9869 OF 2023

Sekh Asraf Ali

Vs.

The State of West Bengal & Ors.

Mr. Arunava Ganguly

.... For the Petitioner

Mr. Tapas Kr. Adhikari

Mr. Tapas Ballav Mondal.

.... For the Respondents
State

The writ petition is filed for consideration of a representation of the petitioner dated 24th June, 2021. It is alleged by the petitioner that the private respondents are illegally draining the toilet waste into the pond belonging to the petitioner. A representation was made by the petitioner before the Pradhan, Itachuna Khanyan Gram Panchayat, respondent no.7 herein. However, no steps were taken, hence, this writ petition.

By an order dated 11th November, 2024 upon hearing the respective parties following direction was passed in the present writ petition :

"It is made clear that in violation of taking necessary steps, appropriate orders would be passed against the concerned Gram Panchayat Pradhan being the respondent no.7 and the respondent no.8. Significantly, under Section 19 of the West Bengal Panchayat Act, 1973, Sub-Clause (o), the respondent authorities have an obligation to maintain and manage

solid and liquid waste and prevent public nuisance.

In view of the above, the State authorities are directed to take necessary steps and file a Report towards corrective remedial steps which has been undertaken in view of the above illegal activities.”

The State respondents through the Block Development Officer, Pandua Development Block has filed a report dated 12th February, 2025. The same is taken on record.

It transpires from the aforesaid report that pursuant to the order, passed by this Court, the petitioner as well as the private respondents were called on for hearing. However, since no land could be provided for construction of waste management project, the same could not be executed.

Section 19(2)(o) of the West Bengal Panchayat Act, 1973 provides that the Gram Panchayat has an obligatory duty to maintain environmental sanitation including promotion and management of solid and liquid waste and prevention of public nuisance.

In the light of the above provision, the respondent no.7, the Pradhan, Itachuna Khanyan Gram Panchayat is directed to consider the representation of the petitioner dated 24th June, 2021 and take remedial steps towards maintenance and management of the solid and liquid waste and prevent public nuisance in the property-in-question by undertaking schemes and adopting measures upon

identifying an appropriate land within a period of six weeks from the date of communication of this order.

Learned Advocate for the petitioner is directed to communicate this order to the respondent no.7, the Pradhan, Itachuna Khanyan Gram Panchayat.

With the above directions, this writ petition being **WPA 9869 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There will be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties in compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)