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09.04.2026
Ct. No.15
b.das

WPA 26067 of 2024

Tarak Debnath
Vs.
The State of W. B. & Ors.

Mr. Loknath Paul ...for the petitioner.

Mr. L. M. Mahata
Mr. Prasanta Behari Mahata ...for the State.

Mr. Dilip Kumar Sadhu ...for Pradhan.

Report submitted by the State and affidavit of exception used by the petitioner are taken on record.

The private respondents are not represented despite service.

The petitioner alleges that the private respondents have constructed a septic tank outside his bedroom window which is causing health hazards for him.

It appears from the reports submitted by the State as well as the Panchayat that on field enquiry, it is found that both the parties have raised construction without obtaining any sanction from the Panchayat, the same being admitted by the petitioner.

The private respondents have constructed a septic tank which is at a distance of 3 feet (approximately) from the bedroom window of the petitioner.

In view of the fact that the alleged constructions have been raised without obtaining sanctioned building plan

from the Panchayat and also as the representation submitted by the petitioner before the authority is pending, the Pradhan, Bilkanda-1 Gram Panchayat, being the 6th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event any of the construction is found to have been raised illegally/unauthorizedly, the concerned authority shall take necessary steps in accordance with law.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)