

15.05.2023  
Court No. 19  
Item 05  
CP

WPA No. 17977 of 2022

Smt. Suruchi Das  
Vs  
The State of West Bengal & Ors.

Mr. Amit Kumar Ghosh  
....for the petitioner.

Mr. Srinath Singha Roy  
...for the State.

Mr. Samiran Mandal  
Mr. Nitish Samanta  
....for the respondent nos. 7 and 8.

It is not clear from the pleadings, whether the petitioner has raised any objection before the gram panchayat alleging that the respondent nos. 7 and 8 had made a new construction after the promulgation of the West Bengal Panchayat Act, 1973 on Plot Nos. 1208 and 1209 of Mouza – Gobindapur.

Learned advocate for the petitioner relies upon an information supplied under the Right to Information Act, to the effect that no sanction had been granted to the said respondents.

Learned advocate for the respondent nos. 7 and 8, submits that a dwelling house was in existence even before 1972 and hence, the question of taking permission in terms of Section 23 of the West Bengal Panchayat Act, 1973 would not apply.

He further submits that the petitioner has filed a civil suit for declaration and injunction, but the said fact has been suppressed in the writ petition.

The court does not find from the pleadings that the petitioner's specific contention that a recent construction had been made by the respondent nos. 7 and 8 contrary to the provisions of the West Bengal Panchayat Act, 1973, had been averred.

Under such circumstances, the writ petition is disposed of without any orders, as prayed for, but with liberty to the petitioner to file a more specific and detailed objection, if the situation so arises.

If such objection is filed, the same shall be disposed of in accordance with law and the points raised by either party, shall be decided. The contention of the respondent nos. 7 and 8 that the age of the building would prove that the same had been constructed much before the coming into operation of the West Bengal Panchayat Act, 1973, shall also be considered. Steps shall be taken in accordance with law, if any unauthorized construction is detected.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

**(Shampa Sarkar, J.)**