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05.03.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 26120 of 2023

**Mira Patra & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya.
...For the Petitioners.**

**Ms. Mekhla Sinha,
Ms. Malabika Roy.
...For the Howrah Zilla Parishad.**

**Mr. Sadhan Kumar Haldar,
Mr. Sankha Prasad Roy.
...For the State.**

**Mr. Soumendra Nath,
Ms. Sneha Dutta.
...For the Private Respondent.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners complain that the private respondent has raised construction contrary to the building rules of the Panchayat.

Objection was filed by the petitioners before the Howrah Zilla Parishad and the Gram Panchayat and the same is alleged to be kept pending.

Learned advocate appearing for the private respondent denies the allegation of the petitioners.

It has been submitted that the area over which the construction is made is extremely small. It is only 3

chitaks and 13 sq.ft. at the corner side of the land. The land in question was sold by the predecessor-in-interest of the petitioners.

From the photographs annexed to the writ petition it appears that the construction is a small, single story structure. The private respondent has produced the money receipt issued by the Gram Panchayat in the year 2010 signed by the Secretary and the Pradhan of the Gram Panchayat accepting donation for development.

The stand of the Pradhan at a time of the collection of Development fee, as submitted by the private respondent, is that due to the very small quantum of land, the Pradhan categorically mentioned that a sanctioned plan would not be required for raising construction thereon.

It appears from the submissions made on behalf of both the parties that the structure in question appears to be a very small one which is in place for the last 14 years. There is no sign of any new construction being made at present. It appears that the present writ petition has been filed with some vested interest. The prayer of the petitioners seeking direction upon the respondents to demolish the same cannot be allowed.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)