

10.06.2025
Court No.13
Item No.42
AP

MAT 385 of 2025
With
CAN 1 of 2025

Biplab Naskar and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

... for the Appellants.

Mr. Nilotpall Chatterjee
Mr. Amritlal Chatterjee

... For the State.

1. The appeal is directed against an order dated 17th March, 2025 passed by a Single Bench of this Court in WPA 3079 of 2025.

2. The brief facts of the case are that the appellants and the private respondents are brothers and sisters. The land on which construction has been effected by the appellants against a sanction plan issued by a Pradhan of the concerned Gram Panchayat was a vested land of the Government of West Bengal. Patta in respect of the said land was issued to the Grandmother of the writ petitioners and the private respondents therein. The Patta has not been transferred legally in favour of the appellants herein. Based on the above, the private respondents have filed WPA 9206 of 2022 challenging sanction of plan for construction made by the appellants on the said plot.

3. It was contended that no sanction have been granted by the Gram Panchayat on vested land that the Patta in favour of the Grandmother of the appellants has not been legally transferred to the appellants. The Single Bench in the earlier proceeding directed the concerned Pradhan and the State Authority to consider the representation of the writ petitioners therein and take consequent steps.

4. Based on the above order, the Pradhan cancelled the sanction building plan granted in favour of the appellants. A notice of self demolition was also issued. No steps were taken by the respondents thereafter. The writ petitioners in WPA 9206 of 2022 thereafter filed contempt proceedings being WPCRC 91 of 2024 where several orders have been passed. The order of cancellation of the sanction plan was not disturbed. In essence, the contempt proceedings were directed towards demolition of the construction effected by the appellants. Despite being party respondents in WPA 9206 of 2022, no notice has been served on the appellants.

5. The appellants have filed this appeal challenging the orders of the Pradhan cancelling the sanction plan, inter alia, on the ground that it did not have an authority to do so under the West Bengal Panchayat Act of 1973. It is only the S.D.O., in terms of Section 23 Sub-section 5, who could cancel a sanction plan issued by the Pradhan.

6. The Single Bench dismissed the writ petition stating that any orders that may be passed in the present writ petition being WPA 3079 of 2025 would have the effect of interfering with the orders in WPA 9206 of 2022 and WPCRC 91 of 2024.

7. The view of the Single Bench is acceptable in law and does not call for interference. If the appellants were not served with notice of WPA 9206 of 2022 despite being a party thereto, they should be either seek recall of the orders passed in the said writ petition or prefer appeals therefrom. The Single Bench rightly dismissed the second writ petition since it would be compelled to look into the propriety of an order passed by another coordinate Bench.

8. Reserving liberty to the appellants as indicated hereinabove, the instant appeal is dismissed. Consequently, all connected pending applications, if any, are also dismissed.

9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)