

07.08.2025  
Sl. No.18.  
D/L  
Ct. No.42  
Mithun

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

**W.P.A. 7314 of 2025**

**Ombar Laskar**

**Versus**

**The State of West Bengal & Ors.**

Mr. Dwipayan Kundu,  
Mr. Rameshwar Sinha

...for the Petitioner

Mr. Gobinda Chandra Baidya,  
Mr. Amirul Islam

...for respondent no.6.

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.,  
Mr. Priyabrata Batabyal

...for the State.

Affidavit-of-service filed on behalf of the  
petitioner is taken on record.

By the present writ petition, petitioner seeks for  
consideration of his representation dated 1<sup>st</sup> March,  
2025 for grant of permission to construct a stall at Plot  
No.556/1400, Khatian No.3128 of Mouza-Shibganj  
under Police Station Basanti, District-South 24  
Parganas.

Mr. Dwipayan Kundu, learned Advocate for the  
petitioner submits that the petitioner applied for  
getting permission for construction of a stall in the  
property in question before the local Gram Panchayat.  
However, till date, such permission has not been  
granted. He seeks that the matter be relegated to the  
Prodhan, Bharatgarh Gram Panchayat, respondent

no.6 to consider the representation of the petitioner dated 1<sup>st</sup> March, 2025.

Learned Advocate for respondent no.6 submits that the permission sought for by the petitioner in respect of a property which is recorded as a 'Khal' and such 'Khal' belongs to the Irrigation Department. Therefore, as per the existing provision of law, the Gram Panchayat is not authorized to grant any permission.

Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate representing the State also submits in the similar fashion.

Admittedly, the classification of land is 'Khal'. It would be apposite to reproduce Rule 26 of West Bengal Gram Panchayat Administration Rules, 2004 as hereunder:-

***"26.Classification of land for construction.-If any structure or building is proposed to be erected or constructed on any land recorded otherwise than as homestead land, the Gram Panchayat shall withhold permission for such erection or construction until the applicant produces an order allowing change of classification of the said land by the Collector or any other competent authority having jurisdiction under any law for the time being in force."***

Upon bare reading of the aforesaid provision, it manifest that if any structure or building is proposed to be erected or constructed on any land recorded otherwise than homestead land, the Gram Panchayat shall withhold permission of such erection or construction until the applicant produces an order of the competent authority allowing change of classification of land. It is not in dispute that the land

in question is classified as '*Khal*'. Such being the position, as per Rule 26 of the Rules 2004, the Gram Panchayat cannot issue any permission in respect of a land which is classified as '*Khal*'. Hence the writ petition falls short of merits.

Accordingly, the writ petition being **WPA No.7314 of 2025** is dismissed.

All connected applications, if any, stand disposed of.

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

Interim order, if any, stands vacated.

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 supplied to the parties subject to compliance with all requisite formalities.

**(Bivas Pattanayak, J.)**