

04.04.2025
Court No.13
Supplementary
List Item No.1
AP

**MAT 511 of 2025
With
CAN 1 of 2025**

**Biswajit Pramanik
Vs.
The State of West Bengal & Ors.**

Mr. Pingal Bhattacharyya
Mr. Rajdeep Sinha
... For the Appellant/Writ Petitioner.

Mr. Ansar Mandal, Ld. A.G.P.
Mr. Tanweer J. Mandal
... For the State.

Mr. Dilip Kumar Sinha
... For the Private Respondent.

1. With the consent of the parties, the appeal and the application being CAN 1 of 2025 are taken up for hearing by treating CAN 1 of 2025 as on day's list.

2. The matter is listed on the basis of urgency cited by the appellant/writ petitioner. Although the State has been served, the private respondent could not be served.

3. Learned counsel for the private respondent has, however, appeared before this Court after coming to know from the Supplementary List. He has been served with a copy of the pleadings in the appeal.

4. The appeal is directed against an order dated 3rd April, 2025 passed by the Single Bench of this Court. The subject matter of the writ petition was an order dated 4th

July, 2024 passed by the Sub-Division Officer & Sub-Divisional Magistrate, Haldia.

5. The Sub-Division Officer & Sub-Divisional Magistrate, Haldia took up the matter of the legality of the construction of a boundary wall around the appellant's premises based on an order passed in WPA 27503 of 2023. Records of the Chaitanyapur Gram Panchayat were directed to be produced. An investigation was conducted by the Sub-Division Officer & Sub-Divisional Magistrate, Haldia. The Sub-Division Officer & Sub-Divisional Magistrate, Haldia found irregularities in Form-IV of Rule 17 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, which has not been filed by the appellant/writ petitioner.

6. What appears to be an application repeatedly asserted by the learned counsel for the petitioner is a letter addressed to the erstwhile Prodhan of Chaitanyapur Gram Panchayat dated 13th March, 2018. In reply thereto, the then Prodhan of Chaitanyapur Gram Panchayat has issued a letter dated 27th March, 2018 to the petitioner signed by him and not any Panchayat Samity that the petitioner can construct such boundary wall.

7. Sub-Division Officer & Sub-Divisional Magistrate, Haldia, therefore, clearly found that due process under

the aforesaid Rules of 2004 have not been followed. The learned Single Judge has by reference to Form-IV of Rule 17 of the aforesaid Rules of 2004 found that there was no valid and lawful permission obtained by the petitioner from the Gram Panchayat in question for erecting the boundary wall. A decision of a Co-ordinate Bench of this Court in ***Tapan Kumar Dutta & Ors. Vs. The State of West Bengal & Ors.*** passed in ***M.A.T. No. 1704 of 2016*** has also been relied upon by the learned Single Judge of this Court. The writ petition was, therefore, dismissed.

8. This Court finds that unless an application is made in the prescribed format under Form-IV of Rule 17, no valid application in the eyes of law can be deemed to exist. In the absence of such lawful application, the alleged permission of the Prodhan of the then Gram Panchayat cannot be deemed to be a valid permission in law.

9. Sub-Division Officer & Sub-Divisional Magistrate, Haldia has found as such while conducting an enquiry under the order of this Court referred to hereinabove.

10. The impugned order, therefore, calls for no interference whatsoever.

11. MAT 511 of 2025 fails and is hereby dismissed.

12. In view of the dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

13. There shall be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)