

18.08.2025.
Item No. 55.
Court No. 13
ap

**F.M.A. No. 740 of 2025
With
I.A. No. CAN 1 of 2025**

**Farhad Hossain
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta,
Mr. Arka Nandi,
Mr. Ritwik Basu.

...For the appellant.

Mr. Aswini Kumar Bera,
Mr. Balailal Sahoo,
Mr. Arijit Bera.

...For the respondent nos.12 to 16.

Mr. Amit Meheria,
Ms. Paramita Banerjee,
Mr. Tamoghna Chattopadhyay.

...For the respondent no.11.

Mr. Supratim Dhar,
Mr. Santimoy Bhattacharyya.

...For the respondent nos.6 & 7.

1. Learned Counsel appearing on behalf of the appellant has placed a letter issued by Debra Gram Panchayat stating that the private respondents have not obtained any sanction order for any construction on their properties.
2. Admittedly, the construction effected by the private respondents is a tin structure covered with tarpaulin sheet.
3. The sixth proviso of Section 23 of the West Bengal Panchayat Act, 1973 prescribes that no sanction is required for erection of new thatched structure, tin shed or tile shed without brick wall provided it does not exceed 18 square meters and the

shed does not cover more than 3/4th of the total area of the land.

4. In view of the above, Prodhan of Debra Gram Panchayat shall demolish the construction of the petitioner to the extent that it causes 18 square meters or is in excess of 3/4th of the area of land.

5. The aforesaid order shall be complied with by the Prodhan of Debra Gram Panchayat within a period of two months from the date of communication of a copy of this order.

6. Communication of Debra Gram Panchayat dated 30th June, 2025 filed in Court today is kept with the record.

7. With the aforesaid observations, F.M.A. 740 of 2025 shall stand disposed of.

8. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

9. There will be no order as to costs.

10. 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.)