

15.07.2025
Court No.13
Item No.7
sp

**MAT 626 of 2025
With
CAN 1 of 2025**

**Pranabesh Samanta and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Supratim Dhar, ld. Sr. Adv.
Mr. Dhananjay Nayak,
Ms. M. Sarkar

.... For the Appellants.

Mr. Amitabrata Roy, ld. G.P.
Mr. Nilotpal Chatterjee, ld. J.G.A.,
Mr. Kaustav Chatterjee

.... For the State.

Mr. Santimay Bhattacharyya
Mr. Ziaul Haqu.

.... For the Zilla Parishad.

Mr. Robiul Islam,
Mr. Sk. Jayeel Hossain,
Mr. Raju Mondal.

.... For the Private Respondent nos. 14 and
15.

1. The appeal is directed against judgment and order dated 21st March, 2025.

2. The appellants challenged an order dated 3rd September, 2024 passed by the SDM, Kharagpur recommending to the Executive Officer, Zila Parishad, Paschim Medinipur to demolish the deviated portions of the building of the appellants. The appellants have originally applied for and obtained sanction for construction of B+G+4 structure. The building was a commercial market. There was three several proceedings

against the deviation from the sanction plan made by the appellants.

3. The first of which was WPA 18404 of 2021 filed by the respondent no. 13. The writ petition was disposed of by an order directing the concerned Zila Parishad to consider the representation of the appellants after the stop-work notice. Subsequently the representation was considered and a reasoned order was passed on 19th January, 2023 by the concerned Zila Parishad.

4. The private respondent no. 13 moved a second writ petition being WPA 3397 of 2023, seeking implementation of the order of the District Engineer of the Zilla Parishad directing demolition of the deviated portion from the sanction plan. Since the District Magistrate or his delegate was authorized to conduct the hearing, he appointed a hearing officer. The hearing officer conducted an inspection of the premises and submitted a report dated 19th January, 2023.

5. The report of the hearing officer indicated several deviations from sanction plan as compared to modified sanction of the appellants for constructing B+G+5 (sanctioned by the PNRB Department of the State). The deviations are primarily with regard to the front open space on all sides of the building from the super structure.

6. In the frontal side, the appellants had left no open space. On the rare side of the building, the permissible

limit of deviation had crossed more than 134 meters. On the left side of the building, the permissible limit crossed 1.58 meters. On the right side of the building, the permissible limit of deviation was crossed by 1.38 meters. The height of the building crossed the permissible limit upto 2.85 meters.

7. There were several other deviations found in the basement, ground floor, 1st floor, 2nd floor, 3rd floor, 4th and 5th floor by about 35.72 square meters. Despite directions in WPA 3397 of 2023 on the District Magistrate, he has failed to take steps under the West Bengal Panchayat Act, 1973, the private respondent no. 13 took out CPAN 33 of 2024 for executing the order of the District Magistrate.

8. Mr. Dhar learned Counsel for the petitioners argued that his clients were not given an opportunity to meet the alleged measurements of the Zila Parishad. It, however, appears that the petitioners were present when the measurements of the deviations were taken by the Hearing Officer. The petitioners did not object to the same. There was no question of reconsideration of the same in his objection to the report.

9. This Court having carefully noted the facts as above, is in complete agreement with the findings of the Single Bench. The contempt application was disposed of granting liberty to the parties to exchange affidavits.

10. However it transpires that there is nothing further to be heard in the writ petition. Hence WP No. 26335 is dismissed.

11. In that view of the matter, MAT 626 of 2025 fails and is hereby dismissed.

12. Consequently, all connected applications, if any, shall also stand dismissed.

13. 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.)