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04.12.2025
Ct. No. 15
SB

WPA 13882 of 2024

Asoke Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Ghosh	
Ms. Moumita Ghosh	... for the petitioner
Mr. Haridas Das	... for respondent no. 4
Mr. Anup Dasgupta	... for respondent no. 5

The petitioner's allegation of unauthorised construction on the relevant plot against respondent no.5 has not been substantiated.

A report has been filed by the concerned Gram Panchayat.

The relevant portion of the report is reproduced below:

“1. One rural housing was sanctioned in favour of Tarakeshwar Ghosh (father of respondent no. 5. Sanjay Ghosh) of Vill – Ashuruli, P.O. & P.S. –Kolaghat, Dist – Purba Medinipur in 2005 & an amount of 25,000.00 (Rupees twenty five thousand only) was credited to his bank account. The house was constructed accordingly.

***2. Sri Sanjay Ghosh, son & legal heir of the said beneficiary (late Tarakeshwar Ghosh) last made some extension & minor repair work of their existing dwelling house in 2020.
No permission was issued in this regard.***

3. No complaint was received at this office at that time against such extension & repair work.

4. On the basis of the complaint dated 09.03.2023 by Samir Das S/o Asit Kumar das, Vill-Ashurali, PO&PS Kolaghat, Dist. Purba Medinipur, a field enquiry was made & it was found that no fresh construction has been made recently.

5. From local enquiry it has been learnt that earlier there was cordial relationship between the families of Sri Sanjay Ghosh, S/o – Late Tarakeshwar & the petitioner. Both the initial construction & later extension work was done with the consent of the petitioners. Recently, the relationship has soured & hence, the petitioners are raising objections.”

It is submitted by learned counsel appearing for respondent no.5 that a residential house was constructed in the year 2005 under the “Indira Awas Yojana.”

In my view, such construction does not require prior permission from the Panchayat Authority in terms of proviso to Rule 19(1) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

The Panchayat report further indicates that no fresh construction has recently been undertaken by respondent no.5.

Accordingly, WPA 13882 of 2024, is dismissed.

(KAUSIK CHANDA, J.)