

20  
10.12.2025  
Ct. No. 32  
SB

WPA 14451 of 2022

Abdul Jabbar Khan & Anr.  
Vs.  
State of West Bengal & Ors.

Mr. Siddhartha Sarkar  
Mr. Sourav Gupta ... for the petitioners

Mr. Amit Ranjan Pati  
Mr. Avijit Chatterjee ...Respondent Nos. 2 & 3

1. Affidavit-in-reply filed by the petitioner to the affidavit-in-opposition filed by the respondent nos. 2 & 3 in court today is taken on record.
2. This instant writ petition has been filed by the writ petitioners, praying for the setting aside of orders dated 27.05.2022 and 28.06.2022 passed by the respondent. 3 as they are illegal.
3. It is the specific case of the petitioners that the petitioner, Md. Yasin Khan applied for approval of the building plan upon deposit of appropriate fees along with a copy of the building plan on 22.09.2021 and 03.11.2021. However, the same was not approved, even after expiry of 45 days. As per Rule 30 of the West Bengal Panchayet (Gram Panchayet Administration) Rule, 2004, the permission was deemed to have been granted. As per the deemed approval, the writ petitioners commenced construction of a building according to the plan submitted.
4. It is submitted by the learned counsel for the Petitioners that by order dated 14<sup>th</sup> January, 2022, a coordinate bench of this Court directed the concerned gram panchayat to inspect the

premises in question, and after affording a hearing to the parties, pass a reasoned order.

5. By a communication dated 28<sup>th</sup> January 2022, the Pradhan of Kotulpur Gram Panchayat issued a stop-work notice against the writ petitioners.
6. Challenging the said “stop work” notice, the writ petitioners had filed a Writ petition, being no.WPA.1918 of 2022. The said writ petition was disposed of on 21.02.2022 by the coordinate bench of this court. As per direction, an enquiry was conducted in the presence of the parties, and thereafter, as per the inspection report, the petitioner was informed that the building plan submitted by the petitioner was incomplete, without disclosing the actual details of the incomplete work in the said building plan and further refused the same without written communication.
7. Therefore, the writ petitioner submitted the modified building plan in connection with the earlier deemed building plan as per the provision of Rule 27 (3) (iii) of the West Bengal Panchayet (Gram Panchayat Administration) Rule, 2004 on 2<sup>nd</sup> June, 2022 and prayed for allowing him to construct the building as per modified building plan enclosing relevant documents with copies of modified plan as well as payment of money receipts.
8. Learned counsel for the Respondent nos. 2 and 3 on the other hand submits on usual fairness, that this matter may be relegated back to the appropriate authority to decide afresh, particularly on the issue of deemed plan, after considering all the documents submitted by the petitioners.

9. Having heard the submission of the learned counsel for the respective parties and upon perusal of the impugned orders as well as representation dated 02.06.2022 together with documents annexed with the writ petition, this court finds that the Pradhan has, without hearing the writ petitioners, rejected the prayer for approval of modified building plan submitted as per provision of Rule 27 (3) (iii) of the West Bengal Panchayet (Gram Panchayat Administration) Rule, 2004.
10. This court is of the view that adequate hearing is required to be afforded to the writ petitioners to place their case before the Pradhan, Kotulpur Gram Panchayat with regard to the deemed plan. Therefore the impugned orders passed by the Pradhan are set aside.
11. The Pradhan is directed to take a fresh decision after inspecting the construction effected on the land measuring about 0.0200 Acre of land classified as Bastu comprising in C.S./L.R. Dag No. 2504 appertaining to Khatian No. 172 in Mouza Sarishadighi Police Station, Kotulpur, Block, Kotulpur, District Bankura, and after affording adequate opportunity of hearing to the petitioner as well as the private respondents and other necessary parties, pass a reasoned order within four weeks after causing inspection and communicating the same to the parties within a week thereafter.
12. In the meantime, the Petitioners are strictly directed not effect any further construction on the subject plot until the final decision of the Pradhan.
13. This Court directs that the Gram Panchayet shall not go into the merits of the civil disputes subsisting between the

Petitioner and Private Respondent with regard to right, title, and interest.

14. With these observation and direction, the writ petition is disposed of without order as to costs.
15. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(AJAY KUMAR GUPTA, J.)