

20.08.2025.  
Item No. 10.  
Court No. 13  
ap

**M.A.T. No. 1092 of 2025**  
**With**  
**I.A. No. CAN 1 of 2025**

**Safiqul Islam Molla**  
**Versus**  
**Mahidul Islam Molla & Ors.**

Mr. Sandip Das.

...For the appellant.

Mr. Gobinda Chandra Baidya,  
Mr. Aminul Islam,  
Mr. Provash Mondal.

...For the respondent no.4.

Mr. Supratim Dhar, Id. Sr. Advocate,  
Mr. Shantimay Bhattacharya.

...For the State.

Mr. Avilash Tripathi,  
Mr. A. Rahaman Halder.

...For the respondent no.1.

1. The appellant is aggrieved by an order dated 7<sup>th</sup> July, 2025 passed by a learned Single Judge of this Court in W.P.A. 22157 of 2023.
2. It appears that the writ petition was filed by the private respondent challenging the unauthorized construction by the appellant in the Panchayat area.
3. Counsel for the appellant submits that he had made a representation to the Prodhan of Laxmikantapur Gram Panchayat, South 24 Parganas on 23<sup>rd</sup> March, 2023 stating that he was in the process of undertaking a construction with bricks and cement after a mud wall had collapsed in his portion of the property. He, therefore, submits that since no response was received from the Panchayat despite a lapse of substantial period of time, in terms of Rule 30

of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, there must be deemed permission for effecting construction.

4. Admittedly, no formal plan was submitted by the appellant to the Prodhan of the Laxmikantapur Gram Panchayat. The request for permission to construct was made while the construction was going on and not prior thereto.

5. In view of the above, Rule 30 of the Rules of 2004 cannot come to the aid of the appellant.

6. It is submitted by the Counsel for the respective parties that the writ petitioner and the appellant are brothers and there is a civil suit pending for partition of the property.

7. Counsel for the Prodhan of Laxmikantapur Gram Panchayat submits that a notice was issued to both the appellant and the respondent to come forward for a personal hearing in terms of the order of the learned Single Judge of this Court.

8. Having regard to the facts and circumstances of the case, this Court is of the view that the order of the learned Single Judge of this Court calls for no interference. Prodhan of Laxmikantapur Gram Panchayat shall comply with the order of the learned Single Judge of this Court and conduct hearing on a fresh date fixed after due notice to all the parties and pass an appropriate order in accordance with law.

9. Prodhan, Laxmikantapur Gram Panchayat shall decide the matter independently on his own uninfluenced by any observations made by this Court. Prodhan, Laxmikantapur Gram Panchayat shall also be entitled to enquire into any unauthorized construction made by the writ petitioner/private respondent.
10. With the aforesaid observations, M.A.T. 1092 of 2025 shall stand disposed of.
11. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.
12. There will be no order as to costs.
13. 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.)**