

04.12.2025
SI No.A613
Ct. No.15
S.A.

WPA 17301 of 2024

Samar Singh
-vs-
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
...for the petitioner
Mr. Subhajit Chowdhury
...for the State
Mr. Amit Bikram Mahata
...for respondent no.12

The petitioner challenges a reasoned order dated January 22, 2024, passed by the Pradhan, Raidighi Gram Panchayat, whereby the Pradhan held that the relevant construction did not require any permission.

It appears that on an earlier occasion, the petitioner approached this Court alleging unauthorized construction by respondent nos. 11 and 12 by filing WPA 12787 of 2021. A co-ordinate Bench of this Court, by an order dated August 3, 2022, disposed of the said writ petition, directing the Panchayat to consider the petitioner's representations, afford an opportunity of hearing to all necessary parties, including the petitioner, and pass a reasoned order.

In compliance with the said order, the impugned order dated January 22, 2024 was passed. The Pradhan found that the relevant construction had

been carried out under the Pradhan Mantri Awas Yojana and, therefore, did not require any permission.

Mr. Lakshminath Bhattacharya, learned advocate appearing for the petitioner, submits that respondent nos. 11 and 12 did not take such a stand before the learned Single Judge during the earlier writ petition; it was only contended that the building was an old structure. Mr. Bhattacharya argues that respondent nos. 11 and 12, therefore, cannot adopt an inconsistent position.

I am, however, not persuaded by the submission advanced by learned counsel for the petitioner. It appears that despite due notice from the Pradhan, the petitioner chose not to appear before the Panchayat, while only respondent nos. 11 and 12 were present. The Panchayat specifically found that the building in question was constructed under the Pradhan Mantri Awas Yojana. The identification numbers of respondent nos. 11 and 12 under the scheme, as well as the job card ID numbers, were also mentioned by the Pradhan in the impugned order dated January 22, 2024.

In view of the foregoing, this Court finds no reason to disbelieve that the building was constructed under the Pradhan Mantri Awas Yojana. This Court is of the view that such a building does not require a sanctioned plan in terms of proviso to Rule 19(1) of

the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

Accordingly, I do not find any ground to entertain this writ petition.

WPA 17301 of 2024 is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)