

Sl. No.164
22.12.2025
Suman
Ct. 15

WPA 22082 of 2025

Subrata Maiti
Vs.
The State of West Bengal and Ors.

Mr. Subhajit Das
Ms. Debapriya Ghosh
..for the petitioner

Mr. Rajarshi Basu
Mr. Anirban Dutta
..for the State

The petitioner seeks demolition of a shop room situated on Plot Nos. 902 and 903 under Mouza Kismat Apurbapur, J.L. No. 51, P.S. Singur, District Hooghly.

It is admitted that the petitioner purchased land adjacent to the shop room in question in the year 2021 and that the said shop room was already in existence prior to such purchase. The petitioner now alleges that the shop room was constructed in violation of Rule 31(1)(b) of the West Bengal Gram Panchayat (Gram Panchayat Administration) Rules, 2004.

It is, therefore, contended that the Panchayat Authority ought not to have granted any licence for running the shop room in question.

I am of the view that, since the petitioner purchased his plot at a time when the shop room was already in existence, it is not open to him to contend that the said shop room was constructed in violation of the Panchayat Rules.

Rule 31(1)(b) of the West Bengal Gram Panchayat (Gram Panchayat Administration) Rules, 2004, is reproduced below:

“31. Permission for construction of building for commercial or institutional purposes.- (1) The Gram Panchayat shall not accord permission for erection of a structure or construction of a building for commercial or institutional purposes or for establishing a factory or workshop or warehouse or godown,-
(a)....
(b) on a road or an approach passage having a width measuring less than five metres.”

In my view, the petitioner consciously purchased the land in question with full knowledge of the existence of the shop room in question. Having done so, the petitioner cannot seek direction from the Panchayat to demolish or remove the said shop room.

Accordingly, **WPA 22082 of 2025** 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.)