

28.07.2025
Sl. No. 35(DL)
Ct. No.42
ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 23157 of 2023

Harun Rashid Mondal

Versus

The State of West Bengal & Ors.

Mr. Sandipan Pal

...for the Petitioner.

Ms. Mousumi Halder Choudhury,
Ms. Mousumi Banerjee

...for the State.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

The writ petition is filed seeking direction upon the respondent nos. 5 and 6 to accord sanction of site plan submitted by the petitioner through his representation dated 14th August, 2023.

The petitioner contends that he is the owner of 'Bastu' land measuring 1 *satak* in Dag No. 357, Khatian No, 2743, J. L. No. 61 Mouja- Jangalia under the jurisdiction of the Joynagar Police Station. The petitioner prepared a site plan by licensed civil engineer for the purpose of sanction by the local Gram Panchayat. The petitioner approached the local Gram Panchayat on 6th March, 2023 for according sanction but neither the same was received nor any form was

provided for making application for sanction of the site plan, hence this writ petition.

Learned Advocate for the petitioner submits that despite approaching the local Gram Panchayat, the approval of the site plan has not been accorded. The local Gram Panchayat has refused to issue any form. He seeks that the representation of the petitioner dated 14th August, 2023 be relegated to the Pradhan, Jangalia Gram Panchayat, Joynagar, South 24 Parganas, respondent no. 5 for consideration.

On the contrary, learned Advocate for the State submits that the petitioner has started the work of construction without any permission from the local Gram Panchayat. The land though recorded as '*Bastu*' but is a water-body. She files a report of Block Development Officer, Joynagar-I, South 24 Parganas dated 13th October, 2023 annexing the report of Pradhan, Jangalia Gram Panchayat dated 5th October, 2023, which is taken on record.

Upon going through the averments made in the writ petition as well as the documents annexed thereto, it is found that the petitioner has not made any application in appropriate format in Form-IV in terms of Rule 17 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 for sanction of building plan.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to file appropriate

application in proper format for sanction of building plan before the concerned authority namely, the respondent no. 5, Pradhan, Jangalia Gram Panchayat, Joynagar, South 24 Parganas and upon such submission, the respondent no. 5 shall act in accordance with law.

The learned Advocate for the petitioner is directed to communicate this order to the respondent no. 5, Pradhan, Jangalia Gram Panchayat, Joynagar, South 24 Parganas.

It is made clear that this Court has not gone into the merits of this writ petition.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

With the aforesaid directions, the writ petition being **WPA 23157 of 2023** is disposed of.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)