

**Sl. No.ML693**  
**18.12.2025**  
**Suman**  
**Ct. 15**

**WPA 25047 of 2024**

**Smt. Kalpana Shil**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Prosenjit Mukherjee  
Mr. Ujjal Gayen  
..for the petitioner

The petitioner alleges unauthorised construction at the instance of respondent no. 7. The petitioner made an application before the concerned Panchayat Pradhan under the Right to Information Act, 2005, seeking information as to whether the construction in question had been undertaken pursuant to a sanctioned plan issued by the Panchayat, by a letter dated July 2, 2024. The Pradhan informed the petitioner that no permission from the Panchayat authority was required at the time when the said building was constructed.

Learned counsel appearing for the petitioner submits that the said communication is illegal. He accordingly seeks a direction upon the Panchayat authority to consider the petitioner's representation dated August 28, 2024, praying for demolition of the building in question.

No case has been made out in the writ petition to establish that the building in question was constructed after the coming into force of the Panchayat Act, 1973, which became operative in the year 1984.

Learned counsel for the petitioner, however, has drawn the attention of this Court to paragraph 7 of the writ petition, wherein it is stated that the building in question and the boundary wall were constructed on or before thirty years ago.

The petitioner, who claims to be a co-sharer of the land in question, cannot seek demolition of a building on the ground of lack of sanctioned plan when he admits that it was constructed approximately thirty years ago.

In the circumstances, the writ petition cannot be entertained to challenge the communication of the Pradhan dated July 2, 2024.

Accordingly, **WPA 25047 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.)**