

08.12.2025
Sl No.4
Ct. No.15
S.A.

WPA 24931 of 2025

Amarnath Modak
-vs-
State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
Ms. Shefa Mondal
Ms. Sudipa Sengupta
...for the petitioner
Mr. Soumik Ganguli
...for respondent nos.5 & 6

The petitioner and respondent nos. 5 and 6 are co-sharers of a residential property situated at L.R. Plot No. 2420/4220, J.L. No. 183, Mouza-Onda, District-Bankura. The petitioner alleges that respondent nos. 5 and 6, without obtaining any permission from the Panchayat, have undertaken unauthorized construction at the said premises.

Mr. Ganguli, learned advocate appearing for respondent nos. 5 and 6, however, submits that the building in question is old and dilapidated, and that respondent nos. 5 and 6 have merely undertaken certain repair works. He further submits that, as far back as in the year 2020, an amicable settlement was reached between the petitioner and respondent nos. 5 and 6, with the intervention of the Panchayat Authority, permitting necessary repair work provided

that such work did not endanger the lives of adjacent residents.

Learned advocate appearing for the petitioner, however, contends that under the guise of repair work, respondent nos. 5 and 6 have in fact carried out new unauthorized construction, thereby altering the nature and character of the building. It is argued that such construction could not have been undertaken without prior permission from the Panchayat Authority.

In view of the aforesaid disputed facts, this Court is not inclined to keep the writ petition pending. It appears that the petitioner has submitted a representation to the Panchayat by a letter dated July 1, 2025, seeking redressal of his grievances. Such representation has not yet been considered.

In light of the above, this writ petition is disposed of with a direction to the Pradhan of the Onda-I Gram Panchayat to consider the said representation appearing at page 21 of the writ petition, in accordance with law. If it is found that any unauthorized construction has been undertaken, the Pradhan shall take appropriate steps in terms of Section 23(5) of the West Bengal Panchayat Act, 1973. The entire exercise shall be completed within one month from the date of communication of this order.

The Panchayat Pradhan shall grant the petitioner and respondent nos. 5 and 6 an opportunity of hearing before arriving at any decision.

Accordingly, **WPA 24931 of 2025** is disposed of.

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.)