

07.11.2025
Item No.35
Ct. No. 1
KS

W.P.A. (P) 469 of 2025

Habib Mustafa Khan & Ors.

Vs.

The Union of India & Ors.

Mr. Kartik Kumar Ray

Mr. Debashis Chakraborty

.....For the Petitioners

Mr. Sirsanyo Bandopadhyay, Ld. S.S.C.

Ms. Kalpita Paul

.....For the State

Ms. Chandreyi Alam

Ms. Runu Mukherjee

.....For the Union of India

PER, SUJOY PAUL, ACJ.:

1. Mr. Debashis Chakraborty, learned counsel appears for the petitioners.
2. Ms. Chandreyi Alam, learned counsel appears for the respondent/Union of India and Ms. Kalpita Paul, learned counsel appears for the State.
3. Heard on admission.
4. This is the second visit of the petitioners to this Court. Earlier, petitioners filed W.P.A. (P) 292 of 2025, which was disposed of on 29.07.2025 by directing the petitioners to resubmit their representation dated 01.07.2025 and in turn, the Block Development Officer (B.D.O.) was directed

to consider and pass a reasoned order within a stipulated time.

5. The main grievance of the petitioners is regarding construction and location of new Panchayat building. The petitioners submits that the previous building was accessible and is best suited for functioning of the Panchayat.
6. The Block Development Officer after hearing the parties passed the impugned reasoned order dated 25th September, 2025. The Block Development Officer after obtaining a factual report from Panchayat Development Officer gave the following findings:-

“ The findings of the enquiry (report Annexure – C) is :

- 1. Meriganj – I Gram Panchayat office located in congested area at Merigunj.*
- 2. The approach road to G.P. Office is about 4 fit wide and distance from main road is 3.5 km (Approx) Hence, any type of car or ambulance could not be moved from the office building and it is not convenient for the employee & people to travel to G.P. office from main road due to unavailability public transport.*
- 3. The building is very old & in dilapidated condition.*
- 4. The staircase for 1st floor is too narrow to move.*
- 5. There are not enough places for employees as well as the elected representatives in office room at the same time there are no seating arrangement for public who come to this office for their works.*
- 7. The office building is unfeasible for work as control room in any disaster.*

On Construction Site where G.P. building is being Constructed:

- 1. Construction site is adjacent to the main road.*

2. Enough place for extension of building in future.
3. The construction work is going on in full-fledged and plinth level completed.
4. In disaster, the Gram Panchayat office in this site may work as control room.

From the office records, it is found that the Pradhan, Merigunj-I Gram Panchayat has applied for change of office building to the Block Development Officer, Savapti, Kultali Panchayat Samity various time and on last occasion on 02.05.2025.

The Member Secretary, STARPRAD & Joint Secretary to the Govt. of West Bengal has sanctioned Rs.20.00 Lakh for construction of Gram Panchayat building under Revamped RGSA vides Memo No 479(18)/PRD-45098/10/2023 STARPRAD dated 20.05.2025.

The Kultali Panchayat Samity resolved in its General Body meeting to construct the Gram Panchayat Building of Merigunj – I at JL No.06, KH no13953 Dag No3952 in the gifted land of Hakimul Islam Shaikh and subsequently tender floated vide NleT No17/KUL/S24PGS/2025 Dated 09.06.2025 and work order issued vide Memo no114/KUL/WO Dated 11.07.2025.

After careful consideration of all above facts it is to opine that the construction of Merigunj – I Gram Panchayat Office at at JL No06, KH no13953 Dag No3952 in the gifted land of Hakimul Islam Shaikh is in the interest of public. It will ease for public at large and public service will be provided from here in much better way than the previous place. Hence, rule out any wastage of govt. fund. It is also to opine that after completion of new building the office may shifted to new place and the old building may be used for ICDS, School or health department or any govt. related work.” (Emphasis Supplied)

8. Learned counsel for the petitioners submits that

photographs and the map filed at pages 40 and 42
show that the New Panchayat Bhawan is not
suitable and accessible for the villagers.

9. We have heard the parties at length.

10. The scope of interference in exercise of writ jurisdiction in a matter of this nature is limited.

This Court cannot sit in appeal in policy decisions taken by local and competent authorities regarding location of the Panchayat Bhawan, more so, when such decision is taken on findings of fact. This is trite that the administrative decisions and policy decisions cannot be called in question merely on the ground that another view is possible. Unless, a legal breach or breach of fundamental, constitutional or vested right is established with accuracy and precision, interference is not warranted.

11. The Supreme Court in *Haryana Financial Corpn.*

V. Jagdamba Oil Mills, (2002) 3 SCC 496 held as under:

“In the matter of administrative action, it is well known, more than one choice is available to the administrative authorities; they have a certain amount of discretion available to them. They have “a right to choose between more than one possible course of action on which there is room for reasonable people to hold differing opinions as to which is to be preferred” (as per Lord Diplock in Secy. Of State for Education and Science v. Metropolitan Borough Council of Temeside [1977 AC 1014: (1976) 3 All ER 665: (1976) 3 WLR 641], All ER at p.695f). The court cannot substitute its judgment for the judgment of administrative authorities in such cases. Only when the action of the administrative authority is

so unfair or unreasonable that no reasonable person would have taken that action, can the court intervene."

(Emphasis Supplied)

12. Similarly, in *State (NCT of Delhi) v. Sanjeev, (2005)*

5 SCC 181 opined as under:

"The scope of Judicial review of administrative orders is rather limited. The consideration is limited to the legality of decision-making process and not legality of the order per se. Mere possibility of another view cannot be ground for interference."

(Emphasis Supplied)

13. In the instant case, the reproduced portion of reasoned order shows that the B.D.O. has taken into account the relevant factors and impugned order cannot be said to be bad in law on the touchstone of Wednesbury Principle.

14. The B.D.O.'s order contains a finding that Kultali Panchayat Samity resolved in its General Body Meeting to construct the Gram Panchayat Building at Merigunj - I, the building in question. There is no specific plea pointed out to us to show that this finding is perverse or contrary to the evidence. Petitioners have not taken pains to obtain the resolutions of the Gram Panchayat under the R.T.I. Act to buttress its contention.

15. To these cumulative reasons, we are not inclined to interfere of this order. Admission is declined.
16. Accordingly, petition fails and is hereby dismissed.
17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)