

Sl. No.11.
09.12.2025
Suman
Ct. 15

WPA 25472 of 2025

Smt. Malati Halder and Anr.
Vs.
The State of West Bengal and Ors.

Mr. S. Ghosh
Mr. Dipak Kumar Mukhopadhyay
..for the petitioner

Mr. Tushar Sinha Mahapatra
Ms. Tuhina Parvin
....for the State

Mr. Tapas Kumar Mondal
..for South 24 Parganas Zilla Parishad

It is the grievance of the petitioner that although a stop-work notice was issued long back, on April 1, 2025, by the Block Development Officer and Executive Officer, Thakurpukur–Maheshtala Development Block, South 24 Parganas, under Section 78(3) of the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008, no further steps have been taken by the said authority.

It is argued that, in terms of Rule 78(2)(b) of the 2008 Rules, the Block Development Officer and Executive Officer ought to have afforded the petitioner an opportunity to bring the construction in conformity with the approved plan.

Learned counsel appearing for respondent nos. 2, 3, and 4 submits that the South 24 Parganas Zilla Parishad has no role in the matter. The Zilla Parishad only approves the technically vetted plan as sanctioned by the Thakurpukur–Maheshtala Panchayat Samiti.

Rule 78(2)(b) reads as follows:

“78. Inspection of structure or building under construction.-

(1).....

(2) If, on making an inspection under sub-rule (1), the Sabhapati, the Sahakari Sabhapati, the Executive Officer of Panchayat Samiti or any other person so authorised is satisfied that the structure or building is being erected, -

(a)

(b) in such way as to contravene any of the provisions of the Act or any rule framed thereunder or any provision of the Development Plan, the Executive Officer of Panchayat Samiti may, after giving the owner of such structure or building an opportunity of being heard, make an order directing the owner to make such alterations within such time as may be specified in the order, with the object of bringing the structure or building in conformity with the approved plan or the provisions of law or the Development Plan as the case may be.”

In view of the aforesaid, I do not find any justification to keep this writ petition pending.

The Block Development Officer and Executive Officer, Thakurpukur–Maheshtala Development Block, shall take further steps in terms of Rule 78(2)

(b) of the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008.

The exercise shall be completed within a period of one month from the date of communication of this order.

Accordingly, **WPA 25472 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.)