

11.03.2026
Court No. 12
Item No. 08
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

F.M.A. 139 of 2026
IA No : CAN 1 of 2026

Astapada Pal
-Versus-

Lego Gram Panchayat & Ors.

Ms. Bipasa Bhattacharjee,
Mr. Koushik Roy

.....for the appellant

- 1) Affidavit-of-service filed on behalf of the appellant is taken on record.
- 2) Despite service, none appears for the respondent nos. 2 to 5.
- 3) It is also to be noted that even when the writ petition was moved none appeared on behalf of the respondent nos. 2 to 5.
- 4) The petitioner is aggrieved by the order dated December 22, 2025 passed by the learned single Judge.
- 5) By the order impugned, the learned Judge refused to entertain the writ petition in which unauthorized construction was alleged against the respondent no. 10, only on the ground that the appellant approached the Court belatedly.

6) We are of the view that the delay in approaching the Court will not be fatal in this case, inasmuch, as the law prescribes that all constructions must be legal, permitted by the concerned authority and in accordance with the provisions of the sanctioned plan as also the building rules. If there are violations, anybody can point out the same and approach the appropriate authority for necessary action. Under such circumstances, we find the order to be erroneous and the same is accordingly set aside.

7) The appellant is granted liberty to approach the concerned Gram Panchayat by filing a comprehensive application. A copy of the same shall be served upon the respondent no. 10 and the Panchayat authorities shall thereafter act and proceed in accordance with law.

8) It is made clear that, the Panchayat authorities shall take steps in terms of Section 23 of the West Bengal Gram Panchayat Act, 1973, upon following the principles of natural justice and upon giving all parties adequate opportunity to represent their respective cases. The entire exercise shall be completed within a

period of eight weeks from the date of communication of this order.

9) It also made clear that we have not gone into the rival contentions of the parties and the Panchayat authorities will proceed independently and in accordance with law. Allowing this appeal shall not be construed as acceptance of the allegations of the appellant. These allegations will have to be proved by the appellant at the appropriate proceeding.

10) Accordingly, F.M.A. 139 of 2026 and the connected application are disposed of.

11) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)