

Sl. No.ML712
08.01.2026
Suman
Ct. 15

WPA 1802 of 2025

Hrishikesh Sardar
Vs.
The State of West Bengal and Ors.

Mr. Amit Bikram Mahata
Mr. Samrat Mondal
Ms. S. Ghosh
..for the petitioner

Mr. Sougata Mitra
Ms. S. Banerjee
..for the State

Mr. Gobinda Baidya
..for respondent nos. 8, 9 and 10.

Mr. Gobinda Chandra Baidya
..for respondent no. 6.

The petitioner alleges unauthorised construction at the behest of respondent nos. 8, 9 and 10.

It is submitted that the petitioner and the private respondents are co-sharers in respect of the relevant property. According to the petitioner, respondent nos. 8, 9 and 10 have constructed a building without obtaining any permission from the Panchayat authority. A photograph of the said construction has been produced before this Court.

The photograph produced by the petitioner himself makes it abundantly clear that the nature of

the construction is temporary. A temporary room has been constructed with a tin shed without brick wall

In my view, such a structure does not require any sanction under Section 23(1) of the West Bengal Panchayat Act, 1973. Accordingly, the Panchayat has no role to play in the matter and no direction is required to be issued upon the Panchayat authority.

It further appears that a partition suit between the parties is pending before the competent civil court. The petitioner shall be at liberty to file an appropriate application before the said court seeking suitable relief.

It is made clear that the dismissal of the writ petition shall not have any bearing on the pending civil suit.

Accordingly, **WPA 1802 of 2025** 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.)