

WPA 2643 of 2025

Panchu Malik
Vs.
The State of W. B. & Ors.

Mr. Prosenjit Mukherjee
Mr. Samrat Banerjee
Mr. Raja Roy ...for the petitioner.

Mr. Malay Krishna Dey
Ms. Amrita Tewari ...for the State.

Mr. Dhananjay Banerjee
Mr. Pralay Hazra
Mr. Partha Sarathi Mishra
...for respondent nos. 7 & 8.

Report submitted by the State is taken on record.

Learned counsel for the petitioner submits that the private respondents have been raising unauthorized construction without obtaining sanctioned plan from the concerned Panchayat.

The petitioner has filed a title suit against the private respondents and others seeking eviction of licensee, which is pending. The petitioner submitted a representation in this regard before the Block Development Officer on 9th January, 2025 which is yet to be considered.

Learned counsel has drawn the attention of the Court to Rule 27 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 which enumerates that on presentation of an application under Rule 17(1), the Pradhan or the Upa Pradhan or any other member

authorized by the Gram Panchayat in this regard, shall examine the right, title and interest of the applicant in respect of the land on which the structure is proposed to be built. Learned counsel submits that the said provision has not been complied with.

Denying such allegation, learned counsel for the private respondents submits that they have been allowed to raise construction under the 'Banglar Bari (Gramin) Scheme' of the State Government.

It appears from the report submitted by the State that the name of the 7th respondent was listed in Awaas Plus (Provisional Beneficiary List under PMAY) since 2018. Her name was finally listed for providing benefits under "Banglar Bari" after she was found eligible for the same upon enquiry.

The Block Development Officer has observed that there was no illegality in the said construction.

I have considered the rival submission of the parties. The private respondents have been found to be eligible under 'Banglar Bari (Gramin) Scheme' of the State Government.

Section 19 of the 2004 Rules makes it clear that no permission of the Gram Panchayat shall be required for construction of house under poverty alleviation programme. Undoubtedly, the Scheme pertains to poverty alleviation programme. Therefore the provisions of Section 27 of the Rules are not attracted in the present matter.

Since the construction in question is being raised in terms of the Scheme, the same cannot be said to be illegal/unauthorized.

In the event the petitioner has any grievance with regard to the title and possession of the land on which the construction is being raised, he is at liberty to approach the appropriate civil forum for redressal of his grievance.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)