

02.02.2026
Sl No.A3
Ct. No.15
S.A.

WPA 5198 of 2025

Mohabul Sarkar alias Md. Binkashim Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Mohan Kumar Sanyal
Mr. Dwaipayan Sanyal
Mr. Arunesh Pathak
...for the petitioner

Mr. Hasibul Islam
Mr. Rishav Deb Barman
...for respondent no.9

The petitioner alleged that unauthorized construction was carried out at the behest of Respondent No. 11.

The petitioner's allegation was examined by the District Magistrate, Murshidabad, who, by an order dated October 12, 2023, observed that the construction in question had been carried out in accordance with a sanctioned plan. The relevant portion of the said order is reproduced below:

“Considering the representation and submission of the Petitioner and the Respondent No.-10 of the Writ petition and the deliberations of the Engineers involved in Section during hearing, seeing the approved building plan issued time to time for G+2 vide No.139/MZP dt. 21/04/2022 for 3rd floor vide online acknowledgement no.111121K10V68 dt. 17/02/2023, for 4th

floor vide online acknowledgement No. 11N20C2U35 dt. 03/10/2023, considering the sketch map and mentioning the maintenance of adequate FAR by the District Engineer in office file of relevant building plan, undersigned being satisfied about the maintenance of procedural aspects by the Respondent No.-10 regarding obtaining and holding of legitimate building plan and therefore the petition is hereby dropped.

Thus the writ petition is disposed of and order of the Hon'ble High Court is complied within given time limit.

The original copy of this Final Order shall be kept in file and let the copy be communicated to all the petitioner, respondents and to all other concerned officers."

Before this Court, the relevant sanctioned plan has been produced, with a copy furnished to the learned advocate appearing for the petitioner.

The sanctioned plan indicates that the G+4 building was constructed pursuant to due approval granted by the Zilla Parishad. The learned advocate appearing for the petitioner, however, contends that the construction was carried out in deviation of the

sanctioned plan, particularly by failing to leave the mandatory side open space.

The pleadings in the writ petition are, however, inconsistent. On the one hand, the petitioner asserts that the building was constructed without any sanctioned plan; on the other, he makes a vague allegation that the construction exceeds or deviates from the sanctioned plan.

In view of such inconsistent pleadings, this Court is not inclined to entertain the writ petition.

Accordingly, **WPA 5198 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.)