

A823 22-01-2026
AKG
Ct. 15

WPA 5958 of 2025
Mousumi Den
Vs.
The State of West Bengal & Ors.

Mr. Omar Faruk Gazi,
Mr. Bijoy Bag,
Ms. Bidisha Das,
Ms. Susmita Das,
Ms. Shaoni Panda

...for the Petitioner

Mr. Suchindram Bhattacharjee

...for Respondent No. 10

Ms. Sipra Mazumdar,
Ms. Somasree Dey

...for the State

The petitioner alleges that unauthorised construction has been carried out on the relevant plot at the behest of respondent no. 10. The petitioner claims ownership of the said plot on the basis of a sale deed appearing at pages 233 to 235 of the writ petition. It is submitted that, in denial of the petitioner's title, respondent no. 10 has raised unauthorised construction on the said plot.

Photographs of the alleged construction have been annexed to the writ petition. The photographs indicate that the structure in question is a tin shed. Learned counsel appearing for the petitioner, however, sought to contend that the impugned construction is the building situated behind the tin shed. A plain reading of the writ petition does not disclose the nature of the construction in respect of which demolition is sought.

It is the primary obligation of the petitioner to specifically plead that the construction complained of requires permission from the Panchayat Authority under Section 23 of the West Bengal Panchayat Act, 1973. The writ petition merely refers to a “construction” without specifying its nature. In the absence of such particulars, the petitioner cannot seek initiation of demolition proceedings, as the applicability of Section 23 of the West Bengal Panchayat Act, 1973 cannot be attracted without a clear description of the construction in question.

Accordingly, **WPA 5958 of 2025** stands dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)