

27.04.2026
SL No.19
Court No.12
(gc)

MAT 577 of 2026
CAN 1 of 2026
CAN 2 of 2026

Ramesh Mondal
Vs.
The State of West Bengal & Ors.

Mr. Asis Bhattacharyya,
Ms. Lucky Patra,
Mr. Prabhat Gupta

...for the Appellant.

Mr. Vimal Kumar Shahi, Ld. AGP.,
Ms. Susmita Chatterjee

.....for the State.

Mr. Nilanjan Bhattacharjee, Sr. Adv.,
Mr. Abhilash Chatterjee,
Ms. Najmee Parveen

...for the Respondent Nos.8 & 9.

Re: CAN 1 of 2026

1. This is an application for condonation of delay.
2. It appears from the report of the Additional Stamp Reporter dated 31st March, 2026, there is no delay in preferring the appeal. The appeal is in time.
3. CAN 1 of 2026 is, accordingly, disposed of.

Re: MAT 577 of 2026
CAN 2 of 2026

4. The appeal is disposed of granting liberty to the appellant to approach the concerned Gram Panchayat with his allegation. We find from the order impugned and the interim order passed in the said proceeding that the allegations before His

Lordship were non-conversion of land and construction without sanction. His Lordship found that the sanction had been granted by the concerned Gram Panchayat and the land had been converted. However, there is an aspect which was overlooked by the learned writ court. Allegations had been made that the alleged construction was blocking a public drain and a pond. The appellant submits that the construction was also in deviation of the plan. However, this allegation is not available from the writ petition. It is the duty of the panchayat authorities to protect the public roads, public drains and ensure that sanitation is maintained. As such, the allegations of the appellant cannot be held to be frivolous without the panchayat authorities actually applying their mind to the complaint of the appellant and making an enquiry on the basis thereof.

5. If the appellant approaches the Gram Panchayat, by filing a complaint, the same shall be treated as a representation and necessary steps shall be taken in accordance with law upon compliance with the principles of natural justice. All parties, including the respondent nos.8 and 9 shall be heard.
6. It is needless to mention that if unauthorized construction in the nature of deviation or

obstruction of a public drain is found, steps shall be taken to remove such construction from the public drain and if unauthorized construction and deviation is found contrary to the sanction or the rules, then the matter shall be sent to the Sub-Divisional Officer for necessary steps.

7. Accordingly, the appeal and the connected application are disposed of.
8. There shall be no order as to costs.
9. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)