

19.06.2026
rc/ct.no.15
Item No.34

WPA No. 7233 of 2025
Shantanu Deb & Anr.
Versus
The State of West Bengal & Ors.

Mr. Debarshi Brahma
Mr. Sayantan Maity ...for the Petitioners

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State

Mr. Amales Ray
Ms. Mousumi Bhowal
Mr. Aman Gupta ...for the respondent nos. 9&10

The petitioners allege that the private respondents who are developers of the property in question constructed eight parking spaces instead of four in deviation of the sanctioned building plan in respect of the property. They filed a writ petition in this regard being WPA No. 1126 of 2023 and by an order passed on May 18, 2023, a coordinate Bench of this Court held that the dispute between the parties was private in nature. The petitioners were granted liberty to file a suit for specific performance of contract. The said order was carried in appeal by the petitioners and by an order passed on September 12, 2023 in MAT No. 1494 of 2023, an Hon'ble Division Bench of this Court directed as follows :-

“We direct the Pradhan, being the respondent no. 7 of the Kheadha-II Gram Panchayat, to conduct an enquiry into the matter for the purpose of

ascertaining whether there is merit in the grievance of the appellants/writ petitioners. For that purpose, the Pradhan shall treat the contents of the writ petition as a representation of the appellants. The Pradhan shall cause appropriate local inspection to be made in the presence of the parties and shall take a reasoned decision in the matter, in accordance with law and the applicable rules and regulations and the building plan that the promoter holds, within a period of eight weeks from the date of communication of this order to the Pradhan along with a copy of the writ petition, after affording an opportunity of hearing to the concerned parties including the appellants and the respondent no. 9 herein. The order to be passed by the Pradhan shall be communicated to the parties within a week from the date of the order. Depending on the order, further consequential actions may be taken by the Pradhan in accordance with law.”

The petitioners seek implementation of the said order.

Learned counsel for the petitioners submits that pursuant to the said order, hearing has been conducted on several dates, lastly being on April 16, 2024. No decision has been taken by the Pradhan as yet.

In view of the specific direction of the Hon’ble Division Bench in MAT No. 1494 of 2023, the Pradhan,

Kheadha-II Gram Panchayat, being the 7th respondent herein, is directed to comply with the order of the Hon'ble Division Bench in its entirety within four weeks from the date of communication of this order.

Necessary consequential steps be taken by the authority at the earliest.

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)