

Item No.12
18.05.2026
Court. No. 12
GB

MAT 579 of 2026
With
CAN 1 of 2026

Pronab Kumar Mondal
VS
The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta,
Mr. Subham Kumar Dutta,
Mr. Chitrak Biswas

...for the Applicant.

Ms. Sima Ghosh,
Ms. Ankhi Koyal

...for the Respondent No.18.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The appeal arises out of an order dated February 23, 2026, passed in WPA 389 of 2026.
3. By the order impugned, the learned Judge held that, as the sanction plan had been produced before the Court, the very foundation of the writ petition was incorrect. According to His Lordship, the writ petition proceeded on the allegation that no sanction or permission had been granted by the permission granting authority.
4. We find from the averments in paragraphs 5, 6 and 8 of the writ petition that the appellant had specifically alleged that, the permission granting authority was not the gram panchayat, but the panchayat samiti, as the area was under a development authority. We also find that Section 114 -B of the West Bengal Panchayat

Act, 1973 and Rules 64 and 65 of the West Bengal (Panchayat Samiti Administration) Rules 2008 had been relied upon in the writ petition.

5. It further appears that allegation was also made that, conversion had not been allowed prior to the alleged construction. Documents have been annexed to the application for stay, which indicate that the conversion of the land from 'Saiyam' to 'Bastu' was made after the permission was granted by the panchayat authorities. The development authority has also sanctioned the construction, but in the sanction it has been written specifically that the construction shall be carried out under the supervision of a licensed Building Surveyor/Architect Structural Engineer, signing the plan. The plan shall remain valid for one year.
6. The Tarapith Rampurhat Development Authority considered the matter pursuant to the application of the respondent no.18, that is, the person responsible for such construction on the application dated October 14, 2025.
7. We do not find that any permission was taken from the panchayat samiti. Moreover, the permission granted by the gram panchayat was prior to the conversion granted by the Block Land and Land Reforms Officer on June 23, 2025.
8. Certain documents have been produced by the learned advocate for the respondent no.18 indicating

that sometime in 2022 conversion was allowed in favour of Goutam Das, her husband.

9. Thus, disputed facts with regard to the date of conversion, the date of permission, the date of construction, emerge. We are yet to understand the actual nature of construction i.e. whether commercial or residential. Although, the development authority seems to have approved the plan, the question which arises is, whether permission from the panchayat samiti as required in terms of Section 114 -A and B of the Panchayat Act read with Rules 64 and 65 of the 2008 Rules, had been taken.
10. These issues will have to be decided by the learned trial Judge. The writ petition was not considered in its proper perspective.
11. Let affidavit-in-opposition to the writ petition annexing all documents, be filed by the respondent no.18 as also by the other respondents, within a period of three weeks after reopening of the Court before the learned Single Judge, reply thereto, if any, be filed within a week thereafter.
12. The writ petition shall be heard afresh. The order impugned is set aside.
13. It is made clear that, during the pendency of the writ petition the property shall not be alienated and/or encumbered.

14. Accordingly, the appeal and the connected application are disposed of.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)