

13.05.2026
Item No.10
Court No.12
Cp

MAT 622 of 2026
With
CAN 1 of 2026
With
CAN 2 of 2026

Jasim Uddin Mir
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee
Mr. Biswarup Chatterjee
Mr. Pritam Sarkar

...for the Appellant.

1. Despite service, none appears on behalf of the respondents.
2. CAN 2 of 2026 is an application for condonation of delay of five days in preferring the appeal. Considering the averments made in paragraph 9, we are satisfied that the delay has been sufficiently explained.
3. Accordingly, the delay is condoned.
4. CAN 2 of 2026 is accordingly allowed, and disposed of.
5. The appeal is regularized.
6. The appellant alleges unauthorized construction by the respondent nos. 8 and 9. The specific case of the appellant who was the writ petitioner, was that the construction by the respondent nos. 8 and 9 under the Pradhan Mantri Awas Yojana and/or

Banglar Awaas Yojana was unauthorized, inasmuch as, under the garb of the said scheme a three-storeyed structure was erected. The learned Judge dismissed the writ petition on the ground that at the time of filing of the writ petition, at least two floors had already been constructed. The appellant, having allowed such construction to continue for a considerable time, could not invoke the jurisdiction of the writ court, thereby, alleging that the construction was carried out without sanction plan and illegally.

7. This court is of the view that the allegation of the writ petitioner should have been looked into by the concerned permission granting authority or the competent authority under whose permission or direction and supervision, the construction has been made by the respondent nos. 8 and 9.
8. We find from the affidavit of service that all the respondents have been served, but they are not appearing before us. We also find that those respondents did not appear before the learned writ court.
9. Under such circumstances, as it is the specific case of the appellant that the pradhan of the concerned gram panchayat had informed the appellant that the construction was without any permission from the panchayat, but under a particular scheme, the appellant should approach the concerned Block

Development Officer with his allegations and if the allegations are found to be correct, upon inspection being made in respect of the construction in the presence of all the parties including the respondent nos. 8 and 9, then steps shall be taken in accordance with law, which will include demolition.

10. Before any decision is taken, an inspection shall be held in the presence of the parties. The report of inspection shall be supplied to the parties. The parties shall be allowed to respond to such report of inspection. The parties will also be allowed to make their respective submissions and, thereafter, necessary decision shall be taken.
11. If the concerned Block Development Officer is of the view that the construction was not in accordance with the drawing/sketch provided under the Pradhan Mantri Awas Yojana and/or Banglar Awaas Yojana., necessary action shall be taken for demolition. If the construction is not under the scheme, the matter will be referred to the concerned gram panchayat for necessary steps as per Section 23(5) of the West Bengal Panchayat Act, 1973.
12. In either case, if the construction is beyond the purview of the scheme or contrary to law, steps shall be taken for demolition, in accordance with law.

13. The entire exercise shall be completed within a period of 12 weeks from the date of communication of this order.
14. Accordingly, the appeal and the connected application being CAN 1 of 2026 are disposed of.
15. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)