

27.04.2026
SL No.22
Court No.12
(gc)

MAT 647 of 2026
CAN 1 of 2026
CAN 2 of 2026

Safiuddin Sardar
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Roy,
Mr. Lakshminath Bhattacharya

...for the Appellant.

Mr. Sudipto Panda,
Ms. Renuka Patrick

.....for the State.

Mr. Sounak Bhattacharya,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mandal,
Ms. Bipasha Bhattacharyya

...for the Respondent Nos.12 to 17.

Re: CAN 1 of 2026

1. This is an application for condonation of delay.
There is a delay of 10 days in preferring the appeal.
2. Considering the averments made in paragraph 3 of the application, we are satisfied that the delay has been sufficiently explained.
3. Accordingly, the delay of 10 days is condoned.
4. CAN 1 of 2026 is, accordingly, allowed and disposed of.
5. The appeal is regularized.

Re: MAT 647 of 2026
CAN 2 of 2026

6. Mr. Sounak Bhattacharya, learned Advocate for the Respondent Nos.12 to 17 submits that neither the

writ petition nor the appeal therefrom are maintainable on account of misjoinder of parties. It is submitted that by a single writ petition construction of shops of various private individuals were challenged on the ground of encroachment and lack of authorization from the permission granting authority. According to Mr. Bhattacharya, the writ court rightly rejected the writ petition as no orders could have been passed on vague and omnibus allegations.

7. We appreciate Mr. Bhattacharya's submission and we find that the learned writ court rejected the writ petition on the ground that the subject constructions were under the Pradhan Mantri Awas Yojana. Under the West Bengal Panchayat Act, 1973 and the rules framed thereunder, constructions under schemes were exempted from the requirement of obtaining permission under Section 23 of the West Bengal Panchayat Act, 1973.
8. However, benefit of the Pradhan Mantri Awas Yojana or Banglar Awas Yojana is granted to beneficiaries, upon them fulfilling the eligibility criteria. Enquiry by the concerned authorities are conducted, before the beneficiary is found entitled to the scheme. Persons below the poverty line are granted such benefit for construction of residential

houses. The nature and sizes of such houses are prescribed by a drawing issued by the competent authority. Moreover, construction under the said scheme has to be made on a land belonging to the beneficiary or to someone through whom the beneficiary claims title and possession. Unless these aspects are satisfied, no one is allowed to construct under the said scheme.

9. Under such circumstances, the appeal is disposed of, granting liberty to the appellant to approach the Block Development Officer/the respondent no.8 herein, with their allegations against the respondent nos.12 to 17 by filing separate and distinct applications. If such complaints/representations are filed, the B.D.O will cause an enquiry in the presence of the affected parties and the appellant and pass necessary orders in accordance with law. In the event it is found that the scheme was wrongly availed of or that the construction under the scheme was not as per the drawing/sketch map which was handed over for such construction, necessary steps shall be taken in accordance with law, including removal/demolition of the construction.
10. Before taking any action, the parties will be heard and allowed to present their case as also

submit their documents. A reasoned order shall be passed and communicated. The appellant shall approach the respondent No. 8 within two weeks from date and the respondent No. 8 shall consider and dispose of the entire matter within 10 weeks thereafter.

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

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)