

26.02.2026
Ct. No. 15
Sl. No.955
skg

W.P.A. 8922 of 2025

Ashish Ghosh
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Ms. Sangita Banerjee,
....for the petitioner

Mrs. Jhuma Chakraborty,
Ms. Munmun Tewari,
...for the State

Mr. Siddhartha Sarkar,
...for the respondent no. 7

Ms. Swastika Chowdhury,
...for the respondent no. 9

The petitioner, on April 11, 2022, submitted a representation before the Pradhan, Kotulpur Gram Panchayat (Respondent No. 7), alleging that a building had been constructed by the husband of respondent no.9 without leaving the mandatory open space.

It appears that, thereafter, by a letter dated August 12, 2022, the Block Development Officer, Kotulpur, Bankura, convened a hearing with regard to the land dispute between the parties. However, no steps were taken by the respondent authorities. It further appears that, after a considerable lapse of nearly three years, the petitioner again submitted a representation dated February 21, 2025, before the

respondent authorities alleging a fresh instance of unauthorised construction.

Learned Advocate appearing on behalf of the Panchayat submits that, subsequent to the filing of the writ petition, an inspection was carried out and it was found that a recent tin-shed structure, without any walls, had been erected for the purpose of worship of 'Devi Manasa'.

Learned Advocate appearing on behalf of Respondent No. 9 also submits that in the recent past, no permanent structure has been raised and that only the aforesaid tin-shed construction has been made. Photographs of the said tin-shed structure without any wall have been produced before this Court.

Learned Advocate appearing for the petitioner, however, contends that a residential building has recently been constructed by the respondent. This Court is not inclined to accept such submission.

Upon consideration of the representations made by the petitioner, particularly those appearing at pages 22 and 23 of the writ petition, this Court is satisfied that the construction alleged to have been raised in the year 2022, as indicated in the representation dated April 11, 2022, and the alleged unauthorised construction referred to in the representation dated February 21, 2025, are distinct. This Court is of the view that the recent construction,

being a tin-shed structure of the nature described, does not require prior permission from the Panchayat Authority in view of Section 23 of the West Bengal Panchayat Act, 1973 read with Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

At this belated stage, no question arises as to the initiation of demolition proceedings in respect of the residential building referred to by the petitioner in the representation dated April 11, 2022.

Accordingly, **W.P.A. 8922 of 2025** stands dismissed.

There shall be no order as to costs.

Let the photographs produced by Respondent No. 9 be retained with the records.

The Photostat copy of this order, if applied for, be supplied to the parties on an urgent basis.

(Kausik Chanda, J.)