

12.06.2026
rc/ct.no.15
Item No.27

WPA No. 9403 of 2025
Tapan Kumar Saha & Anr.
Versus
The State of West Bengal & Ors.

Ms. Bipasha Bhattacharyya ..for the petitioners

Mr. D.N.Ray, Ld. G.P.
Mr. Madhu Jana
Ms. Puja Sonkar ...for the State

Mr. Joydip Kar
Mr. Siddhartha Ghosh ...for the respondent no.5

Affidavit of service filed by the petitioner is taken on record.

On the prayer of the petitioner liberty is granted to correct the cause title of the application.

Learned counsel for the petitioners submits that the petitioners are the recorded owners of the plot in question and raised construction therein in terms of sanctioned building plan issued in their favour. Certain deviations from the said plan were noticed by Kankalitala Gram Panchayat and by a notice issued on December 30, 2024, the Panchayat requested the petitioners to demolish the portion of the construction raised in deviation of the plan. The petitioners submit that the said portions have been demolished. The petitioners submitted an application along with a building plan before the Panchayat on January 01, 2025 for approval of revised building plan

which was forwarded by the Panchayat to the Block Development Officer, Sriniketan Santiniketan Block, being the 3rd respondent herein. The petitioners seek a direction upon the concerned authority to approve the said building plan.

Learned counsel for the Executive Officer, Sriniketan Santiniketan Block being the 5th respondent herein, submits that a no objection has to be granted by the said authority for sanction of building plan in favour of the petitioners in terms of Sections 45/46 of the West Bengal Town and Country (Planning and Development) Act, 1979. The application requesting grant of such no objection has not reached the authority as yet.

In view of the above, this Court is inclined to hold that no fruitful purpose shall be served by keeping this writ petition pending.

Since the application submitted by the petitioners before the Panchayat has been forwarded to the 3rd respondent for necessary sanction, the 3rd respondent is directed to forward the same to the 5th respondent for grant of no objection in respect of the construction in question within two weeks from date. The 5th respondent is directed to deal with the issue and take a reasoned decision in this regard within two weeks from the date of receipt of the same.

The decision taken by the authority shall be communicated to the parties within a week thereof.

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)