

WPA 11184 of 2024

Vishmodev Maity
Vs.
The State of W.B. & Ors.

Mr. Sukumar Ghosh
Ms. Moumita Ghosh ...for the petitioner.

Mr. Jagabandhu Roy
Ms. Sanchayita De ...for the State.

Mr. Sudip Sanyal
Mr. Snehasis Jana
Ms. Anulekha Bera Maiti
Ms. Ketaki Ghosh ...for the Pradhan.

Heard learned counsels for the parties.

No further instruction is placed on behalf of the petitioner.

It is not in dispute that the construction raised by the petitioner was without obtaining a proper sanctioned plan. It is recorded in the order impugned dated 23rd February, 2024 that the photocopy of the building plan produced by the petitioner before the authority does not bear the signature of the civil engineer. The petitioner has not been able to produce any document demonstrating payment of requisite fees for the sanctioned plan and submission of application for permission in Form-4.

Learned counsel for the petitioner submits that the petitioner applied for such permission before the Panchayat but did not receive any reply to the same.

Admittedly, the petitioner did not take steps under Section 23(4) of the West Bengal Panchayat Act for non-receipt of intimation with regard to sanction of building plan from the authority.

It is crystal clear from the material on record that the petitioner raised construction without obtaining a sanctioned plan from the Panchayat. The Pradhan, Sultanpur No.1 Gram Panchayat by the order impugned has directed demolition of the construction on that score. The order was passed upon hearing the petitioner who was unable to produce any document in support of his contention before the authority. No such document has been produced by the petitioner before this Court also.

In view of the above, this Court is of the view that there is no illegality or irregularity in the order impugned dated 23rd February, 2024 and as such, the order does not call for any interference by this Court.

The order impugned dated 23rd February, 2024 passed by the Pradhan, Sultanpur No.1 Gram Panchayat is affirmed. The petitioner is directed to demolish the illegal/unauthorized construction within four weeks from date failing which the concerned authority shall be at liberty to execute the order in accordance with law.

The writ petition is accordingly 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.)