

22.06.2026
Court No. 12
Item No. 31
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 963 of 2026
I.A. No : CAN 1 of 2026

Sri Sukumar Jana
Vs.
The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay,
Mr. Sandip Kumar Maiti,
Mr. Debasree Chatterjee
.....for the appellant.

Ms. Susmita Saha Dutta, AGP,
Ms. Tanusree Ghosh
....for the State.

Mr. Radhasyam Maiti
....for the private respondent.

- 1) The appellant is aggrieved by the order dated May 13, 2026 passed in W.P.A. 8466 of 2026.
- 2) The writ petitioner raised an allegation of unauthorized construction before the panchayat authorities and filed a representation. The appellant denied such allegation on the ground that the construction was temporary and not a 'pucca' structure. Thus, it was contended that, permission was not required for such kind of construction, in view of Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.
- 3) Her Lordship did not decide on merits, but directed the concerned panchayat authorities to act and proceed in accordance with law and take a decision.

4) We do not find any illegality in the order impugned.

5) Needless to mention, that, before the matter is disposed of by the panchayat authorities, an inspection will be held in the presence of the parties and a report shall be prepared and supplied to the parties. On the basis of the report a hearing will be given and the matter will be reached to its logical conclusion. The order shall be communicated to the parties. After completion of the hearing the report, shall be sent to the Sub-Divisional Officer in compliance of Section 23 (5) of the Panchayat Act, 1973 in the event unauthorized is found.

6) Under such circumstances, the order impugned is modified to the above extent and the time for completion of the entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

7) Accordingly, the appeal and the application are disposed of.

8) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)