

June 25, 2026
(27) ARDR

WPA 13125 of 2026

Debasish Ghosh
Vs.
The State of West Bengal & ors.

Adv. Indrajit Mukherjee,
Adv. Ashik Hossain,
...for the petitioner.
Adv. Ipsita Ghosh,
...for the respondent no. 9.
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

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

The Panchayat is not represented despite service.

The petitioner claims to be the owner of the plot in question and alleges that the private respondent who is his brother is raising unauthorised construction therein without obtaining any sanction from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on 6th April, 2026 pursuant to which the Pradhan, Batul Baidyanathpur Gram Panchayat, by a letter issued on 13th April, 2026, informed that no permission for house building was granted to the private respondent by the Panchayat. The petitioner seeks a direction upon the Panchayat to demolish the unauthorised construction.

Opposing such allegation, learned counsel for the private respondent submits that the private respondent is raising construction under the Banglar Bari (Gramin) Scheme and a part of the construction has been completed in 2024. No sanction is required for such construction.

Learned counsel for the State seeks a direction upon the Panchayat to consider the issued raised by the petitioner.

Pursuant to the representation submitted by the petitioner on 6th April, 2026, the Pradhan has informed that no permission for house building was granted to the private respondent by the Panchayat. However, since the private respondent claims to have been raising construction under a Government scheme, the Pradhan, Batul Baidyanathpur, being the 6th respondent herein, is directed to consider the contention of both the parties upon granting reasonable opportunity of hearing and take a reasoned decision as to whether the construction raised by the private respondent is unauthorised or not.

In the event the said construction is found to be illegal/unauthorised, the 6th respondent shall take necessary steps in accordance with law within four weeks from the date of communication of this order.

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 petition are deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)