

June 24, 2026
(24) ARDR

WPA 13132 of 2026

Abdur Rahaman Box Ansari & ors.
Vs.
The State of West Bengal & ors.

Adv. Chittapriya Ghosh,
Adv. Oisani Mukherjee,
...for the petitioners.
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

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

The Panchayat is not represented despite service.

Alleging unauthorised construction raised by the private respondent, the petitioner submitted a representation before the concerned Panchayat which was not considered. The petitioners approached this Court in a writ petition being WPA 971 of 2026 and by an order passed on 21st January, 2026, a coordinate Bench of this Court directed the Pradhan of the relevant Panchayat to consider the submission made on behalf of the parties and if unauthorised construction was detected, to take necessary steps under Section 23(5) of the West Bengal Panchayat Act, 1973. In compliance with the said order, the Pradhan, Kuli Gram Gram Panchayat took up the issue for consideration upon hearing both the parties and passed an order on 23rd February, 2026 declaring the building raised by the private respondent as out and out unauthorised. The said order was communicated to the Sub Divisional Officer, Kandi despite which no further step

has been taken. The petitioners seek implementation of the order.

Learned counsel for the private respondent submits that the private respondent raised the alleged construction on the basis of sanctioned building plan.

It appears that a copy of the said plan was submitted before the authority at the time of hearing on perusal of which the authority recorded that general meeting resolution minutes book or the meeting resolution minutes book of Shilpa O Parikathamo etc. does not indicate the house building application form 4 and the house building plan approval fees in respect of the plot in question. It is not in dispute that the said order has not been assailed by the private respondent before the appropriate forum.

In view of the fact that the order dated 23rd February, 2026 has been communicated to the Sub Divisional Officer, Kandi, being the 9th respondent herein, by the Pradhan, Kuli Gram Panchayat, being the 7th respondent herein, the 9th respondent is directed to take necessary steps for implementation of the order in terms of Section 23(5) of the West Bengal Panchayat Act, 1973 and complete the procedure within six 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.

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

(Suvra Ghosh, J.)