

WPA 12740 of 2025

Sri Sri Gangadhar Shiv Thakur & Anr.
Vs.
The State of W.B. & Ors.

Ms. Pampa Dey Dhabal
Mr. Biswarup Chatterjee
Mr. Pritam Sarkar ...for the petitioner.

Md. M. N. Choudhury ...for the State.

Mr. Siddhartha Sarkar
...for the respondent No.7.

Mr. Sudip Kushari ...for the respondent No.9.

Heard learned counsels for the parties.

An application was made by the husband of the private respondent and another before the panchayat authority seeking permission to raise construction in the plot in question. Pursuant to such application, local villagers including the petitioner submitted an application before the Panchayat opposing grant of such permission on the ground that the plot in question was debottar property. The Panchayat issued stop work notice upon the applicants on 25th June, 2018. The private respondent assailed the said notice in a writ petition being WPA 29239 of 2024.

By an order passed on 16th January, 2025, a co-ordinate Bench of this Court directed the concerned authority to conclude the proceedings initiated by virtue of the impugned notices in accordance with law after giving a

right of hearing to all the parties within a stipulated time frame.

In compliance thereof, the Panchayat authority took up the issue for consideration and upon hearing both the parties, vacated the stop work notice. The said order is assailed in the writ petition.

Learned counsel for the petitioner submits that the issue of unauthorized construction has not been considered by the authority in disposing of the matter. The stop work notice has been withdrawn following which the private respondent has raised unauthorized construction in the plot in question despite the fact that the plot is debottar property and a civil suit is pending between the parties in respect of the same.

Learned counsel for the Panchayat submits that on enquiry it is found that portion of the plot in question has been recorded as debottar property and the other portion is recorded in the name of the private respondent.

Since the private respondent has sought permission to raise construction in her part of the property, such permission has been accorded by the Panchayat by vacating the stop work notice. However, no construction has been raised in the property till date. Therefore the question of demolition of the same does not arise.

Learned counsel for the private respondent submits that the private respondent is trying to raise construction in the property owned and occupied by her upon being

granted necessary permission from the concerned Panchayat.

It appears that pursuant to the earlier order of this Court with regard to issuance of stop work notice by the Panchayat, the matter was taken up for consideration by the Panchayat authority and the order impugned passed on 20th February, 2025. The Panchayat authority has granted permission to the private respondent for raising construction in the portion of the property recorded in her name. The issue with regard to the title of the property is pending before the learned civil Court.

Since it is submitted that no construction is being raised in the plot in question by the private respondent, the question of demolition of any unauthorized construction does not arise at present.

The writ petition is premature and is liable to be dismissed.

The writ petition is accordingly dismissed.

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.)