19.11.2026
rc/ct.no.15
Item No.17

WPA No. 14304 of 2024
Raju Mallick
Versus
The State of West Bengal & Ors.

Adv. Md. Sarwar Jahan
Adv. Maidul Islam Kayal
Adv. Kaustav Roy
Adv. Archisman Singh
Adv. Abir Mondal
Adv. Soumyajit Roy Chowdhury ..for the petitioner

Adv. Indrajeet Dasgupta
Adv. Madhu Jana
Adv. Debaleena Chatterjee
Adv. Puja Sonkar …for the State

Adv. Benazir Ahmed ..for the respondent no. 10

Inadvertent error has crept into the order passed on October 13, 2026.

In the cause title of the order "WPA No. 14034 of 2024" be read as "WPA No. 14304 of 2024".

The department is directed to incorporate necessary correction.

This order be treated as part of the order dated October 13, 2024.

Report submitted by the State is taken on record.

The private respondents are not represented despite service of notice.

Learned counsel for the petitioner submits that the private respondents have raised unauthorized construction of a multistoried building without obtaining sanction from

the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on May 09, 2024 which is yet to be considered. The petitioner seeks consideration of the same.

Learned counsel for the Panchayat submits that the Panchayat has no authority to consider the representation submitted by the petitioner.

It is not in dispute that the construction allegedly raised by the private respondents is a multistoried building. Rule 27(1)(A) of the West Bengal (Gram Panchayat Administration) Rules, 2004 stipulates that the Gram Panchayat shall not accord permission to the construction of a new structure or building having plinth area of more than 150 sq. meters and height of more than 6.5 meters without vetting of the building plan and site plan by the Panchayat Samiti or the Zilla Parishad having jurisdiction. It appears that the representation alleging unauthorized construction has not been dealt with by the Panchayat at all to ascertain whether such construction has been raised in terms of sanctioned building plan granted in compliance with Rule 27 of the 2004 Rules.

In view of the above, the Pradhan, Chatta Gram Panchayat, being the 10th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated May 09, 2024 within four weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned

including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event the construction raised by the private respondents, if any, is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is 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)