

June 30, 2026
(44) ARDR

WPA 21177 of 2025

Ali Hafiz
Vs.
The State of West Bengal & ors.

Adv. Joy Chakraborty,
Adv. Souvik Ganguly,
...for the petitioner.

Adv. Madhu Jana,
Adv. Rahul Agarwala,
Adv. Puja Sonkar,
...for the State.

On prayer of the petitioner, liberty is granted to implead the Pradhan, Maju Gram Panchayat as respondent no.9 in the writ petition. The cause title of the writ petition be amended accordingly.

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

The Panchayat and the private respondent are not represented despite service.

The petitioner alleges that the private respondent has raised unauthorised construction without obtaining any sanction from the concerned Panchayat. In response to an application filed by the petitioner under the Right to Information Act, 2005, the Pradhan, Maju Gram Panchayat has informed that no sanctioned building plan/permission has been granted to the private respondent for raising construction. The petitioner approached this Court in a writ petition being WPA 2419 of 2022 seeking a direction upon the Howrah Zilla Parishad to consider and dispose of the complaint lodged by him before the said authority

alleging unauthorised construction raised by the private respondent. By an order passed on 4th May, 2022, a coordinate Bench of this Court directed the District Engineer of the Howrah Zilla Parishad to consider the complaint lodged by the petitioner and take the same to its logical conclusion in accordance with law by following a particular procedure laid down in the order. In compliance with the said order, the District Engineer, Howrah Zilla Parishad took up the issue for consideration and by an order passed on 18th August, 2022, held as hereunder.

“In view of the statement of the parties and the report and observation of the Assistant Engineer, Howrah Zilla Parishad, it appears that the subject matter of the property involved with the L.R. Dag no. 154 and 155 at mouza-Margurali under Maju Gram Panchayat, P.O. – Garberia, P.S. Jagatballavpur, within District Howrah is not situated within the K.M.D.A. area and as such Howrah Zilla Parishad has no authority to sanction any building plan upon the property as stated above. Moreover the respondent no.08 could not produce any sanction plan during the course of hearing. But to obey by the order of Hon’ble Justice of the Calcutta High Court the copy of this order and the copies of statement of the parties in the hearing and the entire report of Assistant Engineer of Howrah Zilla Parishad including all notices is to be sent to the Prodhan of Maju Gram Panchayat for taking proper

steps as per the rules and regulations in respect of sanction building plan in Panchayat area”.

Learned counsel for the petitioner submits that though the order of the District Engineer, Howrah Zilla Parishad was sent to the Pradhan, Maju Gram Panchayat, no further step has been taken by the Pradhan under Section 23 of the West Bengal Panchayat Act, 1973.

Upon consideration of the submission made on behalf of the petitioner and the State, this Court is of the view that since it has been held by the Zilla Parishad that the private respondent could not produce any sanctioned plan during the proceeding before the said authority and also, since the order was sent to the Pradhan, Maju Gram Panchayat for taking necessary steps, the Pradhan, Maju Gram Panchayat, being the 9th respondent herein, is directed to take necessary steps under Section 23(5) of the Act of 1973 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.)