November 13, 2026
(14) ARDR

WPA 25797 of 2026

Dilip Kumar Mondal
Vs.
The State of West Bengal & ors.

Adv. Abhimanyu Banerjee,
Adv. Abdul Nooman
...for the petitioner.
Adv. Amrita Lal Dhar,
...for the respondent no.5.
Adv. Sundar Gopal Bhattacharyya,
Adv. Priyanka Shukla,
...for the State.

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

The Panchayat is not represented despite service.

The petitioner alleges that the private respondent is constructing the third floor of an existing two storied building without obtaining sanction from the concerned authority. In response to an application made by the petitioner under the Right to Information Act, 2005, the Pradhan, Rajarhat Bishnupur II Gram Panchayat has informed that the Panchayat has the authority to sanction building plan for G+1 storied buildings and not G+3 storied buildings. The petitioner submitted a representation in this regard before the concerned authority on 23rd August, 2026 which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that the petitioner is raising unauthorised construction without obtaining sanction from the concerned Panchayat. On protest being raised by the

private respondent, the writ petition has been filed on false allegation.

In response, learned counsel for the petitioner submits that the petitioner is causing repairs to the existing structure and is not raising any new construction in the plot in question.

The contention of the parties need to be verified by the appropriate authority.

Since the representation submitted by the petitioner is pending, the Pradhan, Rajarhat Bishnupur II Gram Panchayat, being the 2nd respondent herein, is directed to consider and dispose of the same 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 respondent, in accordance with law.

The said authority shall hold an enquiry as to whether the construction raised by the petitioner and the private respondent is in terms of sanctioned building plan granted in their favour.

In the event the construction raised by either of the parties is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

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.)