

24
30.03.2026
Ct. No.15
b.das

WPA 24580 of 2025

Majeeda Khatoon
Vs.
The State of W. B. & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Ms. Madhurima Sarkar
Ms. Urmi Biswas ...for the petitioner.

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

None appears for the respondents despite service.

Alleging unauthorized construction being raised by the private respondents the petitioner approached this Court in a writ petition being WPA 7247 of 2024. By an order passed on 8th July, 2024, a co-ordinate Bench of this Court directed the Pradhan of the concerned Panchayat to cause a physical inspection of the alleged unauthorized and illegal construction and after granting reasonable opportunity of hearing, pass a reasoned order, in accordance with law.

In compliance thereof, physical inspection was held upon issuance of notice to the parties. Upon hearing the parties, the Pradhan, Minakhan Gram Panchayat, being the 5th respondent herein, passed an order on 6th August, 2024 observing that only one of the respondents being Sk. Sultan had raised construction by obtaining a sanctioned

plan. The other respondents had no approved building plan for their construction.

The Panchayat authority decided to serve notice upon the said respondents under Section 23 of the West Bengal Panchayat Act for approval of building plan. The order was forwarded to the Sub-Divisional Officer, Basirhat, being the 4th respondent herein, who issued notice upon the parties on 24th December, 2024 directing them to produce necessary documents in support of their contention.

Learned counsel for the petitioner submits that the Pradhan had no authority to direct post facto approval of building plan under Section 23 of the West Bengal Panchayat Act. The petitioner seeks expeditious disposal of the matter pending before the Sub-Divisional Officer.

It is not known under what authority the Pradhan suggested post facto approval of the building plan under Section 23 of the Act. Since such post facto approval is unknown to the Act and the issue is pending before the Sub-Divisional Officer, the said officer being the 4th respondent herein, is directed to consider and dispose of the issue within six weeks from the date of communication of this order upon affording 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.

Since the construction raised by the private respondents has been held to be unauthorized/without approval of building plan, the 4th respondent is directed to take necessary steps in accordance with law within the time frame stated above.

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.)