

29.06.2026
SL No.17
Court No.12
(gc)

**MAT 1885 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Sri Arijit Routh
VS
Sri Kamal Kanta Maity & Ors.**

Mr. Kamalesh Bhattacharya,
Mr. Syed Shafi Ahmed,
Mr. Syed Neaz Ahmed

... for the Appellant.

Mr. Dilip Kr. Saha,
Ms. Dhriti Das

...for the Respondent No.1.

Mr. D.N. Ray, Ld. G.P.,
Ms. Susmita Saha Dutta, A.G.P.,
Ms. Tanusree Ghosh

...for the State.

Re: CAN 1 of 2025

1. This is an application for condonation of delay of 18 months in filing the memorandum of appeal.
2. Upon considering the averments in paragraphs 4 to 8 of the said application, we are satisfied that the delay in filing the appeal has been sufficiently explained. The delay of 18 months is condoned.
3. Accordingly, CAN 1 of 2025 is allowed and disposed of.
4. The appeal is registered.

**Re: MAT 1885 of 2025
with
CAN 2 of 2025**

5. This is an appeal from an order passed by a learned Single Judge directing the panchayat authorities to take steps in accordance with law,

on the allegation made by the writ petitioners, in respect of an alleged unauthorized construction. The allegation was with regard to the construction(s) on L.R. plot no.746 and 747. It was alleged before the concerned panchayat authorities that, a multistoried building had been constructed on those two plots, without proper conversion and without any sanction.

6. Mr. Bhattacharya, learned Advocate appearing on behalf of the appellant submits that the subject construction was permitted by the gram panchayat sometime in 2014, when the amended provision of the West Bengal Panchayat Act, 1973 had not come into force. The panchayat authorities duly granted such sanction for the construction of a four storied building.
7. Copy of the permission and the plan have been produced before us. We are of the view that, when the matter is pending before the gram panchayat, the appellant can produce all documents which are in his favour, before any decision is taken. Her Lordship had also directed that an opportunity of hearing should be given to all the parties. Before such hearing was held, a spot inspection was directed in presence of the parties.

8. Under such circumstances, the right of the appellant has been sufficiently protected. Her Lordship had also directed that steps should be taken if the construction is found to be in violation of a plan or without any sanction.
9. Under such circumstances, all issues are left open, for a decision by the panchayat authorities and thereafter by the Sub-Divisional Officer in the event unauthorized construction is detected. All parties will be given adequate opportunity to make their submissions before the authority and produce relevant documents.
10. Accordingly, the appeal and the connected application are disposed of with the above clarification.
11. However, there shall be no order as to costs.
12. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Smita Das De, J.)