13.11.2026
Court No. 12
Item No.10
Gc/Cp

MAT 1691 of 2026
With
CAN 1 of 2026

Kamaluddin Mondal
Vs.
The State of West Bengal & Ors.

Mr. Md. Younush Mondal
..... for the Appellant.

Mr. Sauvik Nandy
Mr. Amarendra Chakraborty
Ms. Sanjana Basu
... for the State.

Mr. Kaustav Banerjee
Ms. Ria Kundu
.....for the private respondent.

1. Liberty is granted to correct the defects.
2. This appeal arises out of an order dated September 17, 2026, passed in WPA 15966 of 2026. By the order impugned, the learned Single Judge disposed of the said writ petition, by directing the Sub-Divisional Officer, Barasat to deal with the issue of unauthorized construction set up by the appellant and to take necessary steps in accordance with law, within four weeks from the date of communication of the order. The appellant, being aggrieved by the said order, has preferred this appeal.
3. The appellant claimed to have obtained a sanction from Hadipur Jhikra – I Gram Panchayat, North

24 Parganas for the alleged construction. It is not in dispute that the plot of land in L.R. Dag No.129 situated at Mouza-Hadipur Chuprihara, P.S.-Deganga, District – North 24 Parganas, was classified as 'Sali' and had not been converted to 'bastu' by the appellant, prior to raising the construction. It also appears from records that the pradhan of the said gram panchayat in reply to an application filed under the Right to Information Act, 2005, informed the learned advocate for the writ petitioner that no building plan had been approved in favour of the appellant. The record of rights which has been annexed shows that the land continues to be 'Sali'.

4. The learned Single Judge referred to Rule 26 of the West Bengal (Gram Panchayat Administration) Rules, 2004 (hereinafter referred to as 'the said Rules of 2004'), which provides that a gram panchayat shall withhold permission for any erection or construction until the applicant produces an order allowing change of classification of the land by the Collector or any other competent authority having jurisdiction under any law for the time being in force. In this case, no such conversion had been made in respect of the classification of the land and the stamp on the building plan appears to be doubtful. In any event,

the construction could not have been permitted by the gram panchayat without due conversion of the land to Bastu. The permission, if any, was without jurisdiction and in violation of the law.

5. Admittedly, the appellant did not apply for conversion prior to obtaining any permission. The construction made by him is in violation of the said Rules of 2004. In view of the above, we do not find any infirmity in the order dated September 17, 2026.
6. Accordingly, the appeal and the application stand dismissed.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)