

19.01.2026

Item no.5

Ct. No.15

Suman

WPA 26464 of 2025

Swapna Bachar

-vs-

The State of West Bengal and Ors.

Mr. Tauhid Khan
Mr. Atanu Halder
..for the petitioner

Ms. Jhuma Chakraborty
Ms. Kakaly Naskar
...for the State

Ms. Susmita Chatterjee
Ms. Dipanwita Ganguly
..for respondent no. 11, 12 and 13.

Learned counsel appearing for the petitioner alleges that respondent nos. 11, 12, and 13 have undertaken construction on the roof of the building in question. The petitioner claims co-ownership of the said building and submits that the construction is being carried out on the common roof.

It is further alleged that no permission has been obtained from the Panchayat for such construction.

Learned counsel appearing on behalf of respondent nos. 11, 12, and 13, however, submits that during the monsoon season, rainwater percolates into the room due to the poor condition of the roof. It is contended that, solely to prevent such leakage, a temporary construction was sought to be raised by respondent nos. 11, 12, and 13. It is further submitted that, as on date, no further construction has been undertaken.

The photographs produced by respondent nos. 11, 12, and 13, however, suggest that a substantial construction has been raised on the roof of the concerned building. No permission granted by the Panchayat has been produced before this Court.

Learned counsel for respondent nos. 11, 12, and 13 submits that an application seeking permission has been made to the Panchayat. However, it does not appear to this Court that any such application was made in the prescribed format as required under the Panchayat Act, 1973.

In view of the aforesaid, the writ petition is disposed of with the following directions:

The Panchayat shall ensure that respondent nos. 11, 12, and 13 do not undertake any further construction on the relevant roof. Respondent nos. 11, 12, and 13 shall submit an application before the Panchayat, in the prescribed format, seeking permission to construct the room in question.

The Panchayat shall pass a reasoned order on the application, if made by respondent nos. 11, 12, and 13, within a period of two weeks from the date of communication of this order.

While considering the application for permission, the Panchayat shall be at liberty to afford an opportunity of hearing to respondent nos. 11, 12, and 13 as well as the petitioner.

Respondent nos. 10 to 13 shall act according to the decision of the Panchayat in terms of this order.

Accordingly, **WPA 26464 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)