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20-01-2026
AKG
Ct. 15

WPA 27302 of 2025
Dilip Hazra & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Ghosh,
Mrs. Moumita Ghosh

...for the Petitioners

Ms. Somashree Dey

...for the State

The petitioners challenge an order dated August 28, 2025, passed by the Pradhan, Santipur Gram Panchayat.

The said order was issued in compliance with the directions passed in WPA 11689 of 2021, which was filed at the instance of the petitioners. In the said writ petition, the petitioners had alleged unauthorised construction by respondent nos. 10 to 21, contending that the said respondents had raised shop rooms on their land without obtaining any permission or sanction from the concerned Panchayat Authority. The grievance of the petitioners was that such construction was unauthorised and liable to be proceeded against in accordance with law.

The relevant portion of the impugned order dated August 28, 2025, passed by the Pradhan is quoted below:

“After considering the documents supplied by the petitioners as well as available in the office record it is found that long year ago huge quantum of land in Santipur, Kakdihi and Guluria Mouza were acquired for the public purpose. More than 35-40 years ago Mechada 2 No. Minimarket was established under the control and management of Shahid Matangini Panchayat Samiti for rehabilitation of small businessman. Panchayat Samity allotted the

stalls to the holders including the Respondents to run their respective business. Panchayet Samity regularly collect respective license fees and other charges from the stall holders including the Respondents. The Santipur Gram Panchayet has no authority to interfere in any issue relating to the Mecheda 2 no Mini Market. If any illegality and irregularity done by the stall holder of the Mecheda 2 No Mini market the Panchayet Samity is the appropriate authority to take any decision to that effect.

However, in compliance and in obedience to the Hon'ble High Court's order an inspection was conducted. At the time of inspection a list of stall holders was handed over by the market committee. It is found in inspection that the respondents except respondent no 9 Kartik have their shop room/stall, in the Mini Market no 2 at Mecheda. There is a godown/store room of PWD where said Kartik Santra reside. Stalls of other respondents are of brick build wall with temporary shade. Two stall holders constructed roof in their respective stalls. Said Market is managed and controlled by the Sahid Matangini Panchayet Samity. All of them except respondent no 2 were allotted their respective stall by the Sahid Matangini Panchayet Samity long year back since then they are only doing business in their respective stalls and paying necessary fees to the Panchayet Samity. Stall of respondent no 2 could not be identified as he had no stall as per his declaration. Santipur Gram Panchayet have no authority to interfere in allotment of stalls, management and control of the Mecheda 2 no Mini Market.

In the light of above of the proceeding is disposed of accordingly solemn order of the Hon'ble High Court is complied with."

It is, therefore, clear that the Pradhan of the Panchayat has come to the finding that the constructions in question are not unauthorised, and that the same were, in fact, carried out by the Panchayat Samity itself.

In that view of the matter, the petitioners' allegations of unauthorised construction against respondent nos. 10 to 21 are without any merit.

Learned advocate appearing for the petitioners, however, contends that the stalls/shop rooms have been constructed on a plot of land owned by the petitioners. It is needless to mention that the petitioners shall be at liberty to file a civil suit for recovery of possession or for any other relief in accordance with law.

Accordingly, **WPA 27302 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)