

39 20-01-2026
AKG
Ct. 15

WPA 27774 of 2025
Sk. Fazlul Quader
Vs.
The State of West Bengal & Ors.

Mr. Balaram Pandit,
Mr. Krishna Deo Das

...for the Petitioner

Mr. Sukanta Das

...for Respondent No. 11

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...for the State

The grievance of the petitioner is that respondent no. 11 is carrying out construction in violation of the sanctioned plan issued by Mohanpur 3 No. Gram Panchayat, respondent no. 7. It is alleged that, while undertaking such construction, respondent no. 11 has failed to leave the mandatory side open space as required under Section 23(5) of the West Bengal Panchayat Act, 1973, and the rules framed thereunder.

Learned counsel appearing for the petitioner submits that, despite a representation dated November 3, 2025, appearing at page 23 of the writ petition, no steps have been taken by the Pradhan, Mohanpur 3 No. Gram Panchayat.

Learned counsel appearing for respondent no. 11, however, denies the allegations and submits that the construction is being carried out strictly in

accordance with the sanctioned plan.

It appears that construction is presently ongoing on the relevant plot of land.

In that view of the matter, the Pradhan, Mohanpur 3 No. Gram Panchayat, ought to have taken consequential steps pursuant to the representation dated November 3, 2025, submitted by the petitioner.

Accordingly, this writ petition is disposed of with the following directions:

The Pradhan, Mohanpur 3 No. Gram Panchayat, shall consider the petitioner's representation dated November 3, 2025, in accordance with law. If any unauthorised construction, as alleged by the petitioner, is detected, the Pradhan shall refer the matter to the Sub-Divisional Officer, Kharagpur (respondent no. 3), in terms of Section 23(5) of the West Bengal Panchayat Act, 1973, within a period of two weeks from the date of communication of this order.

Upon such reference being made, the Sub-Divisional Officer, Kharagpur (respondent no. 3), shall take immediate steps in accordance with law.

It is further clarified that, if the Pradhan,

Mohanpur 3 No. Gram Panchayat, detects any unauthorised construction at the instance of respondent no. 11 on the relevant plot of land, he/she shall forthwith issue a stop-work notice to respondent no. 11.

Accordingly, **WPA 27774 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.)