

Item No.28
13.01.2026
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2745 of 2025

Rupa Thapa (Bhutia)
VS
The State of West Bengal & Ors.

*Mr. Subham Gupta,
Ms. Tannu Agarwal*

...for the Petitioner.

*Mr. Subir Kumar Saha, Ld. AGP,
Mr. Sumit Kumar*

...for the State

*Mr. Pratap Khati,
Mr. Avinash Kalikotey,
Mr. Nishant Nav Rasaily*

...for the Respondent Nos.10 to 12.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The writ petition is disposed of with a direction upon the Sindepong Gram Panchayat to cause an inspection of the premises in question by an engineer from the office of the Panchayat Samiti or the P.W.D. to ascertain the age of the building.
3. It is the specific case of the respondents including the respondent nos.10 to 12 that the said building was constructed in 1967 by late Balaram Singh Shankar and at the relevant point of time the West Bengal Panchayat Act 1973 and the Rules had not been enacted.

4. The authorities have filed a report stating that the said construction was made sometime in 1967.
5. It is submitted by the respondents that the complaint against the respondent nos.10 to 12 was a counterblast to the complaint lodged by the said respondents in respect of an unauthorized construction raised by the respondent no.10.
6. Under such circumstances, an engineer who is technically equipped to ascertain the age of the building, must do so in the presence of the parties and a report must be prepared and submitted to the parties.
7. Needless to mention, if further addition, alteration or reconstruction is to be made, then permission shall be obtained.
8. Accordingly, the writ petition is disposed of.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)