06.10.2026
Court No. 12
Item No.06
Cp

MAT 1479 of 2026
With
CAN 1 of 2026

Sumitra Pramanik & Anr.
Vs.
The State of West Bengal & Ors.

Md. Galib
Mr. Pradip Paul
Ms. Sangita Paul
Mr. Abhishek Bose
...for the appellants.

Mr. Tapas Kumar Chatterjee
Mr. Arka Bhattacharya
Ms. Tanuka Basu
...for the State.

Mr. Soham Dutta
.....for the respondent no. 9.

1. The appeal arises out of an order dated August 10, 2026, passed in WPA 16615 of 2026. By the order impugned, the learned Single Judge dismissed the writ petition as not maintainable.
2. The appellants were aggrieved by the interference with the construction which they were raising allegedly on the basis of a sanction plan granted by the concerned gram panchayat. Her Lordship was of the view that the dispute between the appellants and the respondent no. 9 was private in

nature, and as such, the remedy of the appellants was before the appropriate civil court.

3. Mr. Galib, learned advocate for the appellants, submits that as a representation had been filed before the gram panchayat requiring them to inspect the construction and certify whether the construction was in order to not, it was the duty of the gram panchayat to consider such representation and cause a joint inspection and certify that the appellants had been constructing the house and the boundary wall in accordance with the plan.

4. We do not agree with Mr. Galib. A writ in the nature of mandamus can be issued commanding the authority or State under Article 12 of the Constitution of India to act and proceed in accordance with law and comply with their statutory obligations. The prayer of the appellant cannot be granted. The gram panchayat does not have any obligation to inspect such construction, and implement the plan.

5. If we accept Mr. Galib's contention, it would mean that every person trying to raise a construction will require the panchayat authorities to inspect such construction and certify the validity thereof. Such provision is not available in law.

6. Under such circumstances, the appeal is dismissed and the connected application is disposed of.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)