

19.07.2026
sayandeep
Sl. No. 1
Ct. No. 03

WPA 17624 of 2026

Leaps & Bounds Private Limited
Vs.
The State of West Bengal & Ors.

Mr. Kishore Datta, Sr. Adv.,
Ms. Susmita Shaw,
Mr. Agnish Basu,
Mr. Vipul Vedant
Mr. Srinjoy Das
.... for the petitioner

Mr. Surajit Nath Mitra, Ld. Advocate General
Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Loknath Chatterjee
Ms. Marry Datta
.... for the State

Mr. Tapas Mondal
..... for the respondent No. 7

Mr. Ayan Bhattacharjee, Sr. Adv.,
Mr. Rudradipta Nandy,
Mr. Gourav Bose,
Mr. Aditya Roy
..... for the respondent No.15

1. Challenging the initiation of proceedings under the provisions of Section 160A (6) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the said Act) vide notice dated 30th June, 2026 and the subsequent steps taken by the authorities including carrying out demolition of the petitioner's property (5 storied constructed building) situate at Mouza- Amtala, LR Dag Nos. 509 and 512 vide RS Khatian No. 170 corresponding to LR Khatian No. 6031 admeasuring an area of 3.025 Kattha

or .05 decimals, the instant writ petition has been filed.

2. Mr. Datta, learned senior advocate representing the petitioner has drawn the attention of this Court to the notice dated 30th June, 2026 issued by the Deputy DL&LRO, South 24 parganas and the hearing officer. According to Mr. Datta, though the proceeding was initiated on the basis of a written complaint lodged by one Shri Sushanta Mondal as would corroborate from the notice dated 30th June, 2026, copy of such complaint was not made over to the petitioner along with the aforesaid hearing notice. According to him, the petitioner while responding by letter in writing dated 7th July, 2026, had called upon the hearing officer to favour the petitioner with the copy of the aforesaid complaint, for the petitioner to appropriately respond to the said hearing notice. It is still further submitted that despite receipt of the aforesaid communication, the hearing officer did not make available copy of such complaint to the petitioner. According to him, in course of hearing before the hearing officer, an application was also filed requesting the hearing officer to serve the copy of the complaint along with annexure(s). Notwithstanding the aforesaid, the petitioner

was not served with the copy of such complaint. He submits that not only the petitioner was not served with the complaint, the order passed under the provisions of Section 160A (6) of the said Act was also not served on the petitioner rather, the authorities started demolishing the petitioner's property on and from 18th July, 2026. It is in these set of facts that the petitioner has approached this Hon'ble Court, by filing the instant writ petition. He submits that the petitioner has a right to object to the complaint and has a right to be heard especially when a demolition order is being passed. According to him, there has been procedural irregularity as well, the procedure for passing an order under Section 160A(6) of the said Act has not followed. In support of his aforesaid contention, he has relied on the Judgment delivered by the Hon'ble Supreme Court in the case of ***Directions in the matter of Demolition of Structures, In Re***, reported in **(2025)5 SCC 1**.

3. The learned Advocate General appears for the State. He has submitted that the petitioner was all along aware with regard to the factum of initiation of the demolition proceeding through the issuance of above notice. The petitioner has not come up with clean hands to

demonstrate that the construction carried out by the petitioner is in accordance with the sanctioned building plan issued by the Zilla Parishad. This apart, it is submitted that this matter has been taken up on an extremely short notice and as such it has not been possible for the State to gather all relevant papers and/or instructions. He submits that this matter may be taken up for consideration on Monday, i.e., 20th July, 2026. He has, however, disclosed the copy of the order dated 15th July, 2026, the inspection report and the communication of the SDO dated 17th July, 2026, which have been made available to him by Mr. Mondal, learned advocate appearing for the respondent No. 7. The learned Advocate General has also highlighted that the petitioner was obliged to demonstrate while approaching this Court that the construction that has been carried out by the petitioner was in accordance with the sanctioned building plan and in absence of such disclosure, no interference is called for. The judgment relied on is not applicable in the facts of this case.

4. Mr. Mondal, learned advocate appears for the respondent No. 7. According to him, the demolition is restricted to Plot No. 507 in

which the petitioner does not claim any interest.

5. Having heard the learned advocates appearing for the respective parties and upon going through the materials on record, this Court finds that in the instant case, an enquiry was conducted from the end of the District Engineer, South 24 Parganas Zilla Parishad regarding the sanctioned plan/ permission of the building functioning as “*M.P. Office, Diamon Harbour*” situated at Mouza-Amtala, JL No. 73 Khatian Nos. 6215, 6995, Dag No. 507. The inspection report as disclosed would demonstrate that on the basis of the enquiry carried out, it was found that the height and construction is above 6.5 meter. Though for the construction, permission from the Zilla Parishad is necessary, no substantial documents regarding sanction of the building situated at Amtala and no application for sanctioning process was also available. To morefully appreciate the same, the relevant report is extracted herein below:

দক্ষিণ ২৪ পরগণা জেলা পরিষদ
South 24 Parganas Zilla Parishad
 New Administrative Building, Alipore, Kolkata - 700 027
 E-mail: decomp.off@nic.in, statel@24p.org@gmail.com, Fax: 033-2448 4602.

Ref memo No:- 1498/ZP/Law/Hearing/26, dated:- 09-07-2026.

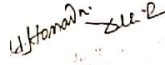
REPORT

✓ Sub: Verification regarding sanction plan/permission of the building functioning as MP Office, Diamond Harbour, situated at Mouza- Amtala, J.L.-73, Khatian No.-6215,6995 Dag No-507.

As per the enquiry conducted from this end, the height and the construction is above 6.5 meter. For this construction, permission from the Zilla Parishad is necessary. Accordingly we have enquired all the records and found no substantial documents regarding sanction of the said building situated at Mouza- Amtala, J.L.-73, Khatian No.-6215,6995 Dag No-507 and no application for the sanctioning process is taken care by the building department of South 24 Parganas Zilla Parishad.

Submitted for kind perusal.


 District Engineer
 South 24 Parganas Zilla Parishad



Memo no:- 1525/2P/Law/Report/2026

dated:- 14/07/2026

Copy forwarded to:-

1. The DY,DL & LRO, South 24 Parganas & Hearing Officer for information & necessary action.


 Additional District Magistrate
 &
 Additional Executive Officer
 South 24 Parganas Zilla Parishad

6. Following the aforesaid and on the basis of the enquiry as aforesaid conducted, the proceeding under Section 160A sub-Section 6 of the said Act was initiated and notice dated 30th June, 2026 was served. The same ultimately, culminated in the order dated 15th July, 2026. The same records that the matter is in connection with the illegal and unauthorized construction of the building upon Mouza- Amtala, JL No. 73 Khatian Nos. 6215, 6995, Dag No. 507, P.S. Bishnupur, South 24 Parganas of Moti Mallick without sanctioned plan and that the hearing officer had been engaged to inspect and conduct hearing for

submission of report vide memo No. 1342/ZP/hearing officer/2026 dated 25th June, 2026. Accordingly, the hearing officer conducted the hearing on 15th July, 2026 and submitted the report being memo No. 1528/ZP/ Report /2026 dated 15th July, 2026. Based on the said report, the Executive Officer, South 24 Parganas Zilla Parishad while proceeding on the basis of the recommendations made by the hearing officer and noting that there is no sanctioned building plan with regard to such building which is a (G+4), had decided the building should be demolished immediately. Proceeding on the aforesaid order passed by the District Magistrate, Executive Officer, South 24 Parganas, the SDO, Alipore Sadar, South 24 Parganas by communication dated 17th July, 2026 had called upon the Superintendent of Police, Diamond Harbour Police District and Block Development Officer (BDO), Bishnupur II, South 24 Parganas to make necessary police arrangement, to maintain law and order for the demolition.

7. Going by the available disclosure, it is apparent and clear that the decision to carry out demolition was taken on the basis that there is no sanctioned building plan

issued/vetted by the Zilla Parishad especially having regard to the second proviso to Rule 28 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 (in short the “said Rules”) which requires every application for construction of new structure or building or for making an addition or alteration to the existing structure of building having a plinth area of more than 300 sq. meters with brick or concrete footing or a height of more than 6.5 meter to be sent to the Zila Parishad for vetting.

8. In the instant case, from the materials on record, it does not appear that the petitioner was afforded with appropriate opportunity to demonstrate that the construction was in accordance with the said Act or the said Rules. On the basis of the case as made out by the petitioner, at this stage, there is nothing on record to demonstrate that the petitioner was made aware with regard to either the complaint or with regard to the recommendations made by the hearing officer based on which the D.M. and Executive Officer, South 24 Parganas Zilla Parishad had taken the decision directing immediate demolition of the building. In the peculiar facts, I am of the view that the status quo as regards the structure, utilization

thereof, nature, character and possession should be maintained till the matter is taken up next or until the end of July, 2026 whichever is earlier. The respondents are also restrained from carrying out further demotion work pursuant to the order passed by the D.M./ Executive Officers, South 24 Parganas dated 15th July, 2026 and the communication dated 17th July, 2026 issued by the SDO, till the next date or until the end of July 2026, whichever is earlier.

9. Although, Mr. Datta would be relying on the statements made in paragraph 11, subparagraph (d) of the writ petition submit that large number of political workers and miscreants had proceeded to loot and remove available records and the police authorities had remained mute spectator as such insists for protection, the writ petition does not disclose any complaint lodged with the police authorities. Accordingly, this Court at this stage, is not inclined to grant any relief in this regard.
10. Place this matter before the Regular Bench having determination.

(Raja Basu Chowdhury, J.)