

13.11.2025
Sl. No. M/598
g.b.
Court No.15

W.P.A. 3363 of 2025

Md. Mehbub Ali
-Vs-
The State of West Bengal & Ors.

Mr. Kingsuk Mondal
.....For the Petitioner
Mr. Santanu Kr. Mitra
Mr. Subhabrata Das
.....For the State
Md. Bani Israil
Mr. Aranya Basu
Sayed Md. Sayud
....For the Respondents

The petitioner alleges that respondents Nos. 9 to 16 have undertaken unauthorized construction over Plot Nos. 565 and 566, J.L. No. 73, Mouza – Durgapur, Police Station – Lalgola, District – Murshidabad. It is submitted that such construction has been carried out on land owned by the petitioner and without obtaining any sanctioned plan from the Panchayat Authority.

Learned advocate appearing for respondents Nos. 9 to 16, however, submits that the petitioner has no right, title, or interest over the land in question. It is contended that the sale deeds relied upon by the petitioner, on the basis

of which ownership is claimed, are void, as the vendors had no competence to transfer the property.

This Court is of the view that there is no scope for adjudication of the right, title, and interest of the parties in the present writ proceedings. However, respondents Nos. 9 to 16 have failed to produce any sanctioned plan before this Court to justify the ongoing construction work.

Irrespective of the dispute concerning title, respondents Nos. 9 to 16 could not have commenced any construction without obtaining prior permission from the Panchayat Authority. This observation, however, is prima facie in nature.

It appears that the petitioner made a representation on January 6, 2025, before the Pradhan, No. 8 Kalmegha Gram Panchayat, Banasgara, being respondent No. 7.

Accordingly, this writ petition is disposed of with a direction upon respondent No. 7, the Pradhan of No. 8 Kalmegha Gram Panchayat, to consider the petitioner's representation dated

January 6, 2025, in accordance with the provisions of Section 23(5) of the West Bengal Panchayat Act, 1973, after affording an opportunity of hearing to all concerned parties.

If, upon such consideration, the construction is found to be unauthorized, necessary steps shall be taken by the Pradhan in accordance with the aforesaid provision.

Consequently, **WPA 3363 of 2025** stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Kausik Chanda, J.)