

**04.03.2025**  
**Item No.4**  
**BR**

**WPA 4026 of 2025**  
**Shyamali Roy**  
**-vs-**  
**State of West Bengal and ors.**

Mr. Debjit Mukherjee,  
Mr. Kaustav Bhattacharya,  
Ms. Priyanka Jana

.... For the petitioner

Mr. Santanu Kumar Mitra,  
Sr. Govt. Advocate  
Mr. Subhabrata Das  
... for the State

Mr. Shayan Sachin Basu,  
Mr. Abhijit Adhikari,  
Mr. Suman Bose  
... for the respondent no.6 and 7

Affidavit of service filed by the  
petitioner be kept with the record.

The present writ application has been  
preferred alleging unauthorized  
construction being allegedly made by the  
private respondents.

Learned counsel for the State is  
present.

It appears that there is a title suit  
pending between the parties being Title Suit

No. 66 of 2025 before the learned Civil Judge (Senior Division ,1<sup>st</sup> Court, Barasat.

It is submitted by the learned counsel for the petitioner that the suit before the learned Civil Judge (Senior Division ,1<sup>st</sup> Court, Barasat is a suit alleging encroachment, whereas the petitioner has approached this Court on the ground of unauthorized and illegal construction being made by the respondent.

During pendency of the writ application the reply to the RTI application made by the petitioner has been given by the SPIO & Executive Assistant of the concerned panchayat and is dated 27.2.2025, wherein it has been stated that the office has no record of such building plan sanctioned in favour of Ashok Das and Gopal Das in respect of Plot No. 450, mouza Kalaberia, JL no. 30, Khatian no. 1610.

Learned counsel appearing for the private respondents being Ashok Das and Gopal Das submits that the plan sanctioned was in the name of Nilima Das who was the wife of Ashok Das and mother of Gopal Das and as such a reply has been given in this manner.

A copy of the sanctioned plan in favour of the Nilima Das has been placed before this Court by the private respondents.

It appears that sanctioned plan bears the signature of the wife of Ashok Das and mother of Gopal Das that is Nilima Das.

Considering the said fact, the writ application is disposed of with the direction that the Block Development Officer concerned being BDO, Rajarhat shall look into the matter and on hearing the both parties that is Gopal Das, Ashok and petitioner herein shall address the grievance of the parties by disposing of the representation dated 30.1.2025 filed by the petitioner within 30 days from the date of communication of this order and pass a reasoned order in accordance with law.

The BDO concerned shall inform the result of the hearing to petitioner herein and also the private respondents.

Parties are at liberty to act on the server copy of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

**( Shampa Dutt (Paul), J. )**