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04.12.2025
Ct. No. 15
SB

WPA 14325 of 2024

Jelehrar Begum
Vs.
The State of West Bengal & Ors.

Mr. Uttiya Ray
Ms. Anima Maiti For the petitioner

The petitioner claims to be a co-sharer in respect of the property situated at Plot No. 443/1909, J.L. No. 34, Mouza Jharul, L.R. Khatian No. 1359, P.S. Bhatar, Purba Bardhaman.

The petitioner's grievance is that respondent no. 8, who is also a co-sharer of the said property, has undertaken unauthorized construction on the plot without obtaining permission from the Panchayat Authority. It is further submitted that a partition suit is pending between the parties and, in connection with the said civil suit, an order of injunction directing status quo with regard to the nature, character, and possession of the suit property has been passed.

Learned counsel for the petitioner, however, submits that the cause of action in the partition suit and the cause of action in the present writ petition are entirely distinct.

The present writ petition has been filed on the ground that the construction in question has been undertaken without necessary permission from the Panchayat Authority. It appears that the petitioner has already made representations before the Pradhan, Mahata Gram Panchayat, by letters dated December

18, 2023, and January 25, 2024, seeking demolition of the alleged unauthorized construction.

In the aforesaid factual context, this writ petition is disposed of with a direction upon the Pradhan, Mahata Gram Panchayat (respondent no. 2) to consider the petitioner's representations in accordance with law. If it is found that respondent no. 8 has indeed undertaken unauthorized construction, the Pradhan shall take appropriate steps under Section 23(5) of the West Bengal Panchayat Act, 1973, after affording an opportunity of hearing to both the petitioner and respondent no. 8. The entire exercise shall be completed within one month from the date of communication of this order.

It is made clear that the order passed in this writ petition shall have no bearing on the pending civil suit between the parties..

Accordingly, **WPA 14325 of 2024** is **disposed of**.

(KAUSIK CHANDA, J.)