

23.12.2025
Sl No.3
Ct. No.15
S.A.

WPA 30980 of 2024

Shyamal Kumar Singha
-vs-
State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty
...for the petitioner
Mr. Santanu Mitra
Ms. Anandamayi Ghosh
...for the State

Despite service, Respondent No. 7 remains unrepresented.

The petitioner contends that Plot Nos. 197, 209, 358, 359, 360, and 361 under JL No. 6, Khatian No. 3610, Mahisasthali, Bhagabangola, District Murshidabad, originally belonged to his father, Baidyanath Singha. Baidyanath Singha died intestate, leaving behind six sons and two daughters. Consequently, the petitioner has become one of the co-sharers of the aforementioned plots of land.

The petitioner submits that his sister, Sumana Singha, transferred her rights, title, and interest in respect of her undivided share by a deed of exchange dated August 18, 2022 in favour of respondent no.7.

The petitioner further alleges that the property has not been partitioned among the co-sharers by metes and bounds and Respondent No. 7 has initiated a construction on the said undivided plot of land.

From the supplementary affidavit filed by the petitioner today before this Court, it appears that the construction remains ongoing. The petitioner asserts that such construction is being carried out without the requisite permission from the local Panchayat Authority. The supplementary affidavit further indicates that the petitioner made a formal representation to the Panchayat Authority, but no response has been received.

In this writ petition, the Court is not called upon to adjudicate the respective rights, title, and interest of the petitioner or Respondent No. 7. However, Respondent No. 7 is not entitled to continue construction without obtaining the necessary permission from the Panchayat Authority.

In view of the above, this writ petition is disposed of with the following directions:

Respondent No. 3 shall consider the petitioner's representation dated December 3, 2024, in accordance with law. If it is found that construction on the relevant plot is proceeding without the requisite permission from the Panchayat Authority, Respondent No. 3 shall refer the matter to the Sub-Divisional Officer under Section 23(5) of the West Bengal Panchayat Act, 1973, within seven days from the date of communication of this order. The

respondent no.3, in that event, shall issue a stop work notice upon the petitioner immediately.

The concerned Sub-Divisional Officer shall, within one month thereafter, pass necessary orders under Section 23(5) of the West Bengal Panchayat Act, 1973, after affording an opportunity of hearing to all parties concerned.

Accordingly, **WPA 30980 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)