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19.12.2025
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A 2223 of 2024

**Nitai Mahajan
-versus
The State of West Bengal & Ors.**

**Mr. Ronit Kumar Jha,
Mr. Bishwa Raj Agarwal,
Mr. Sapan Kumar Ram.
...For the Petitioner.**

**Mr. Momenur Rahman,
Mr. Sourav Sarkar.
...For the State.**

**Mr. Deborshi Dhar.
...For SJDA.**

1. Affidavit-of-service filed in Court today is taken on record.

2. Leave is granted to the learned advocate-on-record for the petitioner to implead the Gram Panchayat and Siliguri Jalpaiguri Development Authority as party respondents.

3. None appears on behalf of the Panchayat and the private respondent.

4. The petitioner alleges illegal and unauthorized construction by the private respondent in the Plot No. 436 (R.S.) or 935 (L.R.), J.L. No. 71, Mouza-Baromohan Singh, Pargana Patharghata within the jurisdiction of Matigara Police Station, District-Darjeeling.

5. As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

6. The writ petition is accordingly disposed of by directing the respondent Atharakhai Gram Panchayet to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties, including the petitioner, at the earliest, but positively within a period of three months from the date communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

7. A spot inspection shall be conducted by the panchayet upon notice to all the parties to ascertain the nature and extent of the unauthorized construction as alleged.

8. In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

9. It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

10. The Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

11. The petitioner is directed to forward a copy of the representations to the aforesaid respondent at the time of communicating the order of the Court.

12. The Chief Executive Officer of SJDA, the respondent no. 2 shall enquire as to whether LUCC has

been issued for raising any construction over the subject plot of land. The respondent no. 2 shall communicate the report to the petitioner for taking subsequent necessary steps in the matter.

13. The petitioner alleges that the private respondent has closed the road blocking ingress and egress of the petitioner.

14. The Officer-in-Charge of the Matigara Police Station is directed to ensure that the right of movement over the plot of land allegedly owned jointly by the petitioner and the private respondent is not blocked by any party without any order of the competent court.

15. The writ petition stands disposed of.

16. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)