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jdt. 08.04.2026
jb.

WPA 233 of 2026
(CAN 1 of 2026)
(Pranab Kumar Ghosh vs. State of West Bengal & Ors.)

Mr. Susnigdho Bhattacharyya
Mr. Popi Sarkar
.... **For the Petitioner**
Razzak Hossain
.... **For the State**
Mr. Debnarayan Banerjee
.... **For the Respondent nos. 5 and 6**

The petitioner seeks restoration of the writ petition which was dismissed for default by an order passed on 16th February, 2026.

Heard learned counsels for the parties.

Sufficient grounds being made out, the application being CAN 1 of 2026 is allowed.

The order dated 16th February, 2026 is set aside.

The writ petition is restored to its original file and number.

Re: WPA 233 of 2026

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the Panchayat despite service.

Learned counsel for the petitioner submits that the private respondents have encroached upon the land of the petitioner and have been raising construction therein without obtaining sanctioned plan from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on 12th December, 2025 which is yet to be considered.

The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that in a title suit filed by the private respondents against the petitioner, an order of ad interim injunction has been granted in their favour restraining this petitioner from disturbing their peaceful possession in respect of the property. The private respondents are raising construction therein upon obtaining sanctioned plan from the Panchayat.

It is not in dispute that the title suits are pending by and between the parties and the private respondents are enjoying an order of ad interim injunction granted by the learned trial Court. However, since the applicants allege that construction raised by the private respondents is without sanctioned plan from the Panchayat, the Pradhan, Jyangra-Hatiara no. II, being the 4th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated 12th December, 2025 in this regard within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

It is made clear that the dispute with regard to the title, possession and encroachment of the property shall be dealt with by the learned civil Court in the pending suits.

The 4th respondent shall deal with the issue of unauthorised construction without obtaining any sanctioned plan.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)