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jdt. 23.03.2026
jb.

WPA 953 of 2026
(Swapam Kr. Paik vs. State of West Bengal & Ors.)

Mr. Ranajoy Chatterjee
Mr. Tamal Singha Roy
.... For the Petitioner
Mr. Aditya Gupta
.... For the State
Ms. Subha Pathak
.... For the Respondent nos. 3 and 4

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

None appears for the private respondent despite service.

Learned counsel for the petitioner submits that the petitioner and the private respondent are co-sharers in respect of the plot in question. A partition suit is pending between the parties. During pendency of the partition suit, the private respondent has raised construction in a portion of the plot without obtaining any sanctioned plan and without converting the nature of the land. The petitioner submitted an objection against the said unauthorised construction before the concerned authority on 10th December, 2025 which is yet to be considered.

Learned counsel for the Panchayat submits that on enquiry it is found that the construction raised by the private respondent is unauthorised. The land was

not converted to bastu prior to raising the construction. No sanctioned plan has been obtained by the private respondent from the Panchayat.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the partition suit is pending, it is for the learned trial Court to determine the respective shares of the parties in the plot in question. However, since the construction raised in the said plot is without obtaining sanctioned plan from the Panchayat and without conversion of the land, the Pradhan, Krishnapur Gram Panchayat, being the 4th respondent herein, is directed to take necessary steps, in accordance with law.

The writ petition is accordingly 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.)