23.02.2026
Ct. No. 15
Sl. No.42
skg

W.P.A. 1308 of 2026

Sk. Mohammad Hossain
Vs.
The State of West Bengal & Ors.

Mr. B.N. Ray,
Ms. S. Ray,

....for the petitioner

Mr. Md. Hafiz Ali,

...for the respondent no.15 & 17

The petitioner alleges that respondent nos. 10 to 17 have undertaken unauthorized construction.

It is further alleged that the Pradhan of Kuli Gram Panchayat issued a notice to the concerned parties by letter dated December 8, 2025; however, respondent nos. 10 to 17 failed to appear in response thereto.

Learned Counsel appearing on behalf of respondent nos. 10 to 17 submits that the dispute between the parties is civil in nature and that a partition suit is presently pending. It is contended that, in such circumstances, the writ petition ought not to be entertained.

In my view, while the Pradhan may not have jurisdiction to adjudicate upon inter se civil disputes between the parties, there exists a statutory obligation to act in terms of Section 23(5) of the West

Bengal Panchayat Act, 1973, if it is found that the construction in question is unauthorized.

Accordingly, **WPA 1308 of 2026** is disposed of with a direction upon the Pradhan, Kuli Gram Panchayat (respondent no. 7), to take appropriate follow-up steps pursuant to the notice dated December 8, 2025, appearing at page 25 of the writ petition. In the event any unauthorized construction is detected, the Pradhan shall proceed in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973.

Such exercise shall be completed within a period of two weeks from the date of communication of this order.

Accordingly, WPA 1308 of 2026 is disposed of.

There shall be no order as to costs.

The Photostat copy of this order, if applied for, be supplied to the parties, on an urgent basis.

(Kausik Chanda, J.)