

23.02.2026
Ct. No. 15
Sl. No.63
skg

W.P.A. 1814 of 2026

Sri Arun Maity
Vs.
The State of West Bengal & Ors.

Mr. Rajdatta Chattopadhyay,
Ms. Risha Das,
Mr. Somnath Guha,

....for the petitioner

Mr. Tapan Coomar Dey,
Mr. Nanda Dulal Bandopadhyay,

...for the State

Mr. Dyutimoy Paul,
Ms. Disha Roy,

for the respondent no.6 to 10

Learned Advocate appearing for the petitioner submits that respondent Nos. 6 to 10, his neighbours, have constructed a building without leaving the mandatory open space. It is further alleged that they have also constructed a cantilever encroaching upon a portion of the land owned by the petitioner.

Mr. Tapan Coomar Dey appeared on behalf of the State. Respondent Nos. 6 to 10 are also represented in the proceedings. It is submitted on their behalf that the construction was carried out in accordance with the sanctioned plan granted by the Panchayat, and that the construction of the cantilever was also permitted under the sanctioned plan.

This Court declines to adjudicate the factual disputes arising from the respective stand of the parties.

Accordingly, **W.P.A. 1814 of 2026** is disposed of with a direction upon the Pradhan, Haipur I Gram Panchayat (respondent No. 5), to consider the representation of the writ petitioner appearing at page 18 of the writ petition, dated 02.11.2025, in accordance with law. The Pradhan shall hear the petitioner as well as respondent Nos. 6 to 10 and allow them to produce any documents in support of their respective cases.

After hearing the parties, if any unauthorized construction is detected, the Pradhan shall take steps in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

Such exercise shall be completed within one month from the date of communication of this order.

There shall be no order as to costs.

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

(Kausik Chanda, J.)