

March 20, 2026
(30) ARDR

WPA 2895 of 2026

Chandana Jana
Vs.
The State of West Bengal & ors.

Adv. Kamal Mishra,
...for the petitioner.
Adv. Arunabha Som,
...for the private respondents.
Adv. Vimal Kumar Sahi,
Adv. Sangeeta Roy,
...for the State.

On prayer of the petitioner, liberty is granted to correct the cause title of the application.

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

None appears for the Panchayat despite service.

The petitioner and the private respondent are cosharers in respect of the land in question. A partition suit is pending between them. The petitioner alleges that the private respondent is raising unauthorised construction in a portion of the said land without obtaining any sanctioned plan from the concerned Panchayat. The petitioner seeks to submit a comprehensive representation before the concerned authority and prays for a direction upon the authority to consider the same.

Learned counsel for the private respondent submits that the private respondent is raising construction in terms of the Pradhan Mantri Awas Yojana Scheme for which no sanction from the Panchayat is required.

Be that as it may, since the petitioner seeks to submit a comprehensive representation before the Pradhan, Kalagachia Gram Panchayat, Khejuri – I, being the 4th respondent herein, such representation be submitted within a fortnight from date. The 4th respondent shall consider and dispose of the representation within four weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, in accordance with law.

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

In the event the construction raised by the private respondent is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the 4th respondent shall deal with the issue independently in accordance with law without being influenced by any observation which may have been made in this order.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)