

March 20, 2026
(29) ARDR

WPA 2894 of 2026

Prasanta Das
Vs.
The State of West Bengal & ors.

Adv. Kamal Mishra,
...for the petitioner.
Adv. S. S. Bayerd,
Adv. Mukteswar Maity,
Adv. Priyanka Yadav,
...for the private respondents.
Adv. Suddhadev Adak,
...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.

Learned counsel for the petitioner submits that the private respondents are raising construction on the petitioner's land without obtaining any sanctioned plan for the same.

Opposing such allegation, learned counsel for the private respondents submits that the construction is being raised under Pradhan Mantri Awas Yojana Scheme for which no sanction is required from the Panchayat.

Whether the construction is being made on the land of the petitioner shall be decided by the learned civil Court. The petitioner is at liberty to approach the civil Court for redressal of such grievance.

Since the issue to be considered is whether the construction is being raised under the Pradhan Mantri Awas Yojana Scheme or is an unauthorised construction raised without obtaining sanctioned plan the said issue is required to be decided by the concerned authority.

On prayer of the petitioner, liberty is granted to submit a comprehensive representation before the Pradhan, Nij Kasba Gram Panchayat, Khejuri – II, being the 4th respondent herein in this regard 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 respondents, 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 respondents 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.)