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jdt. 24.03.2026
jb.

WPA 3323 of 2025
(Sk. Giasuddin vs. State of West Bengal & Ors.)

Ms. Ipsita Ghosh
.... For the Petitioner
Mr. Ansar Mandal
Mr. Asish Dutta
.... For the State
Mr. Souri Ghosal
Mr. Subhajit Mukherjee
.... For the Respondent no. 7
Mr. Prasayan Mukherjee
.... For the Respondent nos. 8-9

Supplementary affidavit filed by the petitioner is taken on record.

Learned counsel for the petitioner submits that the property in question belonged to the father of the petitioner and after his demise, the petitioner along the other heirs have inherited the same. The other heirs of the original owner have affirmed an affidavit stating that they have no objection if the petitioner constructs a toilet and house in the said land. During pendency of the writ petition, the private respondents filed a partition suit before the learned civil Court wherein the learned Court granted an order of injunction in the form of status quo upon the parties in respect of the nature, character and possession of the property. However, the application for temporary injunction was rejected on contest following which the order of ad interim injunction was vacated. The petitioner filed an application before the concerned authority seeking

permission to construct the toilet in his land. The application has not been considered till date.

Learned counsel for the State submits that the petitioner ought to file such application in the prescribed format along with requisite fees and plan as well as no objection certificate from the other heirs of the original owner.

Learned counsel for the private respondents takes this Court to an application filed by the petitioner before the learned trial Court seeking permission to construct the toilet in the property. The said application was turned down by the learned trial Court on the ground that a similar application is pending before this Court.

In view of the fact that the petitioner intends to construct a toilet in his own property and other legal heirs have issued a no objection certificate to that effect, the petitioner is at liberty to submit an application in this regard before the Pradhan, Kalinagar Gram Panchayat, being the 7th respondent herein, within 7 days from date in the prescribed format along with requisite fees and plan as well as no objection certificate from the other heirs of the original owner. The 7th respondent is directed to consider and dispose of the application within two weeks from the date of receipt thereof upon granting reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

The writ petition is 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.)