

April 10, 2026
(42) ARDR

WPA 3499 of 2026

Md. Mostafa Mallick
Vs.
The State of West Bengal & ors.

Adv. Himadri Barua,
Adv. Shakti Chakraborty,
Adv. Rituparna Das,

...for the petitioner.

Adv. Bhakti Prasad Das,

...for the State.

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

The State is represented.

Service upon the private respondents has returned with the endorsement "refused" which amounts to good service.

The petitioner alleges that the private respondents are constructing a concrete road by encroaching upon his land. In reply to an application under the Right to Information Act filed by the petitioner, the Pradhan, Paratal-I Gram Panchayat has informed that no permission has been granted by the Panchayat for construction of such road.

In view of the above, this Court is inclined to hold that since it prima facie appears that the road in question is being constructed without requisite sanction from the Panchayat and also, since the representation submitted by the petitioner in this regard is pending, the Pradhan, Paratal-I Gram Panchayat, being the 8th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of the order upon

granting 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 made by the private respondents is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

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.)