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jdt. 17.04.2026
jb.

WPA 3542 of 2026
(Sk. Jakhir Hossain Middya & Ors. vs. State of West Bengal & Ors.)

Samirul Sardar
.... For the Petitioners
K. J. Yusuf
Mr. Parikshit Goswami
.... For the State
Rafikul Islam Sardar
.... For the Respondent nos. 8-12

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

None appears for the Panchayat despite service.

Learned counsel for the petitioners submits that the private respondents are raising unauthorised construction by encroaching upon the land of the petitioners without obtaining any sanctioned plan from the concerned Panchayat. The petitioners submitted a representation before the concerned authority in this regard on 19th January, 2026 which is yet to be considered. The petitioners seek consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the Pradhan of the concerned Panchayat has issued a certificate in favour of the private respondents to the effect that the private respondents have raised the alleged construction before 1973 and have been residing therein since then.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the alleged encroachment upon the land of the petitioners by the private

respondents shall be dealt with by the appropriate civil forum. The petitioners are at liberty to approach the said forum for redressal of their grievance.

With regard to the alleged unauthorised construction raised by the private respondents without obtaining sanctioned building plan, since the representation submitted by the petitioners is pending before the concerned authority, the Pradhan, Makardah 1 Gram Panchayat being the 7th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties 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.)