

16.04.2026
rc/ct.no.15
Item No.24

WPA No. 3551 of 2025
Srimati Shyamali Pramanik Rajmenon
Versus
The State of West Bengal & Ors.

Mr. Soumyadeep Biswas ..for the
petitioner

Mr. Asish Duttafor the State

Mr. Dhananjoy Banerjee
Mr. Snehangshu Majumder
Mr. Archan Dutta
...for the respondent nos.8,9,10A,10B

None appears for the Panchayat despite service.

The petitioner filed a suit for recovery of khas possession, alternatively for partition before the appropriate civil forum against the private respondents and others. The suit was dismissed. The petitioner preferred an appeal being Title Appeal No. 26 of 2019 which is pending before the learned District Judge, Nadia. The learned appeal court has granted an order of status quo upon both the parties with regard to the possession of the property in question. The learned trial Court has also restrained the respondents/ defendants therein by an order of ad interim injunction from changing the nature and character of the property in any manner including raising any construction therein.

The petitioner alleges that despite such order, the private respondents are constructing the second floor of

the existing building without obtaining any sanctioned plan from the concerned Panchayat.

Denying such allegation learned counsel for the private respondents submits that after the order of status quo was granted, no further construction has been made in the property in question.

The issue with regard to the alleged violation of the order of the learned appealable court shall be dealt with by the said learned court in accordance with law. Since the petitioner alleges that the private respondents are raising unauthorized construction without obtaining sanctioned building plan and also as the representation submitted by the petitioner in this regard on January 30, 2025 before the concerned authority is pending, the Pradhan, Bethuadahari-II Gram Panchayat, being the 6th 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 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 unauthorised/illegal, the concerned authority shall take necessary steps, in accordance with law.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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)