

06.03.2026
rc/ct.no.15
Item No.43

WPA No. 3711 of 2026
Sk. Kasimuddin & Anr.
Versus
The State of West Bengal & Ors.

Mr. Biswajit Mukherjee
Ms. Manisha Nath ..for the petitioners

Mr. Moloy Roy ..for the State

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
...for the respondent nos. 9 & 10

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

It is not in dispute that the petitioners and the private respondents are co-sharers of the plot in question which is an undemarcated property. The petitioners allege that the private respondents have been raising construction in the said plot without obtaining any sanctioned plan and also without obtaining necessary permission for conversion of the land which is classified as Jal. The second petitioner approached this Court in a writ petition being WPA No. 17178 of 2025 alleging unauthorized construction by the private respondents. By an order passed on August 20, 2025, a coordinate Bench of this Court observed that Khaitan No. 1010 was permitted to be converted to Bastu vide conversion case No. 522 of 2024. The petitioner therein was granted liberty

to raise appropriate objection before the competent authority alleging illegal construction made over the plot of land in Khaitan No. 1480 recorded as Jal. Pursuant to such order, the petitioners submitted a representation before the concerned authority on September 22, 2025 seeking demolition of the unauthorized construction. The representation is yet to be considered.

Learned counsel for the petitioners draws the attention of the Court to a report submitted by the Revenue Inspector, Garbari Gram Panchayat-II, Bhagawanpur-II on November 01, 2022 before the Land and Land Reforms Officer in connection with the Miscellaneous Case No. 467 of 2022 filed by the 1st petitioner which demonstrates that the petitioners have been occupying land less than the quantum recorded in the record of rights and the private respondents are occupying the land in excess of their share.

Denying the allegation made by the petitioners, learned counsel for the private respondents submits that the private respondents have been raising construction after conversion of the land and upon obtaining sanctioned plan.

Be that as it may, since the representation submitted by the petitioners before the concerned authority is still pending, the Pradhan, Garbari-II Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the same within four weeks from

the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondents.

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/ unauthorized, necessary steps be taken, 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.

All parties are directed to act upon the server copy of this order duly down loaded from the official webside of this Court.

(Suvra Ghosh,J)