

March 25, 2026
(17) ARDR

WPA 4620 of 2026

Lalit Gayen
Vs.
The State of West Bengal & ors.

Adv. Pritam Chowdhury,
Adv. Tamal Taru Panda,
...for the petitioner.
Adv. Himadri Barua,
Adv. Biswajit Das,
...for the respondent no. 5.
Adv. Soumik Ganguly,
...for the private respondent.
Adv. Md. Nur Zaman,
Adv. Anima Das Chakraborty,
...for the State.

Affidavit of service filed by the petitioner and the report submitted by the Panchayat are taken on record.

Learned counsel for the petitioner submits that the petitioner and the private respondent are co-sharers of an undivided undemarcated property. The private respondent has raised construction in the said property without obtaining any sanctioned plan from the concerned Panchayat.

Learned counsel for the private respondent submits that the private respondent has raised construction under the Pradhan Mantri Awas Yojana Scheme in 2023. No sanction from Gram Panchayat is required for such construction.

It appears from the report submitted by the Panchayat that no sanction was obtained from the Panchayat prior to raising such construction and the

classification of the land has also not been converted. However, the Gram Panchayat does not seem to be aware of the scheme under which the alleged construction has been raised.

Be that as it may, on prayer of the petitioner, liberty is granted to submit a comprehensive representation before the Pradhan, Janka Gram Panchayat, being the 5th respondent herein, ventilating his grievance, within one week from date. The 5th respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof upon affording 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 petitioners within a week thereof.

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.)