

WPA 4894 of 2026

Asit Kumar Khan
Vs.
The State of W. B. & Ors.

Mr. S.P. Purkait
Mr. Pradip Kr. Neogi
Mr. Arindam Saha
Mr. Asis Datta ...for the petitioner.

Ms. Salma S. Shah
Mr. Sani Hossain
Mr. Miraj Hossain ...for the private respondent.

It is not in dispute that the petitioner and the private respondent are co-sharers in respect of the plot in question. A partition suit is pending between them. Alleging unauthorized construction being raised by the private respondent in the plot, the petitioner submitted a representation before the concerned authority. Since the representation was not considered, the petitioner filed a writ petition being WPA 21010 of 2023 seeking consideration of the representation.

By an order passed on 7th April, 2025, a co-ordinate Bench of this Court directed the Pradhan, Mashat Gram Panchayat, to consider and dispose of the representation within a stipulated time frame by adopting a particular procedure which includes inspection of the property in question upon notice to the parties, preparation of a report along with sketch map, hearing the parties at the time of

consideration of the representation and taking the same to its logical conclusion under Section 23 of the West Bengal Panchayat Act.

Pursuant to the said order, the Pradhan being the 2nd respondent herein, passed an order on 15th September, 2025, which records that the representatives of the Panchayat visited the plot in question, held enquiry, heard the parties and tried to settle the issue between them amicably. Since the petitioner did not agree to the same, no further step was taken by the Panchayat.

Learned counsel for the private respondent submits that the private respondent is a co-sharer in respect of the property and has constructed of one room under Banglar Bari Yojana Scheme in 2018 and two other rooms upon obtaining sanctioned plan in 2023.

This Court directed the 2nd respondent to consider the representation submitted by the petitioner by adopting a particular procedure laid down in the order. It is crystal clear from the order impugned passed by the Pradhan that the Pradhan did not find it necessary to deal with the representation himself and sent his representatives to the plot for amicable settlement of the issue. The order does not demonstrate holding of an inspection upon notice to the parties and taking a hearing by the Pradhan in presence of the parties. The attempt by the representatives of the Pradhan to settle the issue amicably between the

parties is in fact gross violation of the direction of this Court.

In view of the above, the order impugned dated 15th September, 2025 passed by the 2nd respondent cannot be sustained in law. The order is set aside.

The 2nd respondent is directed to revisit the issue strictly in terms of the direction laid down by this Court in the order dated 7th April, 2025 in WPA 21010 of 2023 and complete the entire exercise within six weeks from the date of communication of this order.

The decision taken by the authority shall be communicated to the parties within a week thereof.

The writ petition is disposed of accordingly.

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.)