

WPA 5682 of 2026

Tapasi Dutta
Vs.
The State of W. B. & Ors.

Mr. Partha Sarathi Das
Md. Hafiz Ali
Mr. A. Chanda
Ms. Maria Sarwari ...for the petitioners.

Ms. Manali Biswas
Mr. Mrinal Saha
 ...for respondent nos.8 & 9.

Ms. Joyee Maiti ...for the State.

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

Learned counsel for the petitioner submits that the private respondents have raised unauthorized construction in the plot in question without obtaining sanctioned plan. The petitioner submitted a representation before the concerned authority on 6th January, 2026 which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the private respondents have filed a title suit against the petitioner seeking declaration of their title and possession in respect of the property in question wherein the learned Trial Court has granted an order of ad interim injunction restraining the

petitioner from disturbing their peaceful possession and changing the nature and character of the property.

The dispute between the parties with regard to title and possession of the property in question shall be decided by the learned Trial Court. Since the petitioner alleges that the construction raised by the private respondents in the property is without obtaining sanctioned plan and also since the representation submitted by the petitioner in this regard is pending, the Pradhan, Sompara-II Gram Panchayat, is directed to consider and dispose of the representation 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 unauthorized/illegal, the concerned authority shall take necessary steps in accordance with law.

It is made clear that the 6th respondent shall deal with the issue of alleged unauthorized construction in the property and shall not deal with the title and possession in respect of the same.

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.)