

WPA 5906 of 2026

**Parvez Haque Mallick
Vs.
The State of W. B. & Ors.**

Mr. Manjit Singh, Sr. Adv.
Mr. Azizul Alam
Mr. Biswajit Mal
Mr. Arkaprabho Roy ...for the petitioner.

Mr. Sankar Halder ...for the State.

Mr. Sandip Ghosh
Mr. Partha Sarkar ...for respondent no.6.

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

None appears for the Panchayat despite service.

Learned counsel for the petitioner submits that though sanctioned building plan was granted in favour of the private respondent for construction of building comprising an area of proposed first floor of 375.00 sq. ft., the private respondent has raised construction covering 1536.5 sq. ft. The petitioner has also alleged violation of building rules by the private respondent. He has submitted a representation in this regard before the concerned authority on 3rd December, 2025, which is yet to be considered. The petitioner seeks consideration of the same under Section 23 of the West Bengal Panchayat Act, 1973.

Learned counsel for the private respondent denies and disputes the allegations made by the petitioner.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the representation submitted by the petitioner before the concerned authority is pending, the Pradhan, Ajhapur Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, 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 respondent is found to be in deviation of the sanctioned plan or in violation of building rules, the concerned authority shall take necessary steps in accordance with law.

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.)