

27.04.2026
rc/ct.no.15
Item No.41

WPA No. 6039 of 2026
Salil Kumar Batabyal
Versus
The State of West Bengal & Ors.

Mr. Avijit Ganguly ..for the petitioner

Mr. Suman Sengupta
Ms. Amrita Panja Moulik ..for the State

Mr. Chanchal Kumar Dutta
Ms. K. Mullick ...for the respondent no. 7

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

None appears for the Panchayat and the Zilla Parishad despite service.

The plot in question is admittedly debutter property. The petitioner who is the sebaite in respect of the said property executed a deed in favour of his daughter, the private respondent herein, on December 10, 2021 granting permission to the latter to perform day to day as well as annual worship of the Deity. The said deed was revoked by the petitioner by a deed of cancellation executed on December 06, 2023. The petitioner alleges that the private respondent has raised unauthorized construction in the plot without obtaining permission from the concerned Panchayat.

Opposing such allegation, learned counsel for the private respondent submits that the construction in question has been raised by the petitioner long back.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner alleges that the private respondent has raised unauthorized construction in the plot in question and has submitted a representation before the concerned authority in this regard on November 19, 2025, the said issue ought to be decided by the concerned authority. The Pradhan, Pradhan, Khanakul-II Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated November 19, 2025 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 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 allegedly raised by the private respondent is found to be unauthorised/illegal, the concerned authority shall take necessary steps, 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.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)