

WPA 6482 of 2026

Uttam Shil & Anr.
Vs.
The State of W. B. & Ors.

Mr. Ziaul Haque
Mr. Arup Kr. Bhowmik ...for the petitioners.

Mr. Tapas Adhikary
Ms. Susnita Saha ...for the State.

Ms. Mahim Sasmal...for respondent no.9 & 10.

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

None appears for the Panchayat despite service.

Learned counsel for the petitioners submits that the private respondents have raised unauthorized construction without obtaining sanction from the Panchayat.

The petitioners and the private respondents appear to be occupiers of an undemarcated plot.

Learned counsel for the private respondents submits that the 9th respondent is raising construction on his land under the Pradhan Mantri Awas Yojana and has been granted requisite fund for the same by the concerned Panchayat and the Urban Development Authority. The writ petition has been filed by the petitioners on false and frivolous grounds as a retaliation to an earlier writ petition filed by the private respondents alleging unauthorized construction raised by the petitioners.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the rival contention of the parties need to be decided by the Pradhan, Laxmipur Gram Panchayat, being the 3rd respondent herein.

On prayer of the petitioners, liberty is granted to submit a comprehensive representation before the 3rd respondent within a fortnight from date. The 3rd 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 petitioners and the private respondents, in accordance with law. The parties shall be at liberty to produce relevant documents in support of their respective contention at the time of hearing.

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.)