

April 2, 2026
(24) ARDR

WPA 7513 of 2024

Rafi Ahmed Kidwai & ors.
Vs.
The State of West Bengal & ors.

Adv. Munmun Tewary,
Adv. Sohini Adhikari,
Adv. Sanatan Panja,
Adv. Gourav Sarkar,

...for the petitioners.

Adv. Amitava Mitra (VC),
Adv. Debangshu Dinda,

...for the State.

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

None appears for the private respondent despite service.

Learned counsel for the petitioners submits that the private respondent has raised construction on Panchayat land adjoining their property, thereby obstructing their egress and ingress. Such unauthorised construction/obstruction has been found in the report submitted by the State as well as the order passed by the Executive Magistrate, Nadia in Case no. 1377 (EM) of 2022 filed by the petitioners. The petitioners have submitted a representation before the concerned authority on 16th January, 2024 which is yet to be considered. The petitioners seek consideration of the representation.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that

since it has been prima facie held that the private respondent has raised unauthorised construction on Panchayat land without obtaining sanctioned plan, the Pradhan, Dhubulia-II Gram Panchayat, being the 2nd respondent herein, is directed to consider and dispose of the representation submitted by the petitioners within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioners 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 unauthorised/illegal, the concerned authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)