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jdt. 17.04.2026
jb.

WPA 7826 of 2024
(Asit Kumar Khanra & Anr. vs. State of West Bengal & Ors.)

Mr. Krishna Das Poddar
Ms. Mandira Barman
.... **For the Petitioners**
Mr. Salil Kr. Maiti
Ms. Dolon Samanta
.... **For the State**

Affidavit in opposition filed by the private respondent and reply thereto filed by the petitioners are taken on record.

The predecessor in interest of the petitioners and the 6th respondent are co-sharers in respect of the property in question which is joint and undivided property. The petitioners allege that the private respondents have demolished the cowshed in the property and raised unauthorised construction therein without obtaining any sanctioned plan from the concerned Panchayat.

Learned counsel for the petitioners has taken this Court to the affidavit in opposition used by the 6th respondent wherein the said respondent has stated that the construction made by the private respondents is continuing by removing the old structure, meaning thereby, that the private respondents have raised unauthorised construction by removing old cowshed. Also, the land in question has been recorded as 'Jal'.

Opposing such allegation, learned counsel for the 6th respondent submits that the classification of the land has been converted to 'bastu' from 'jal'. No new construction is being raised by the private respondents therein. The private

respondents are only renovating/repairing the existing structure in the plot.

Learned counsel for the State submits that since no representation has been submitted by the petitioners alleging unauthorised construction, no step has been taken by the concerned authority.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the dispute between the parties is with regard to raising of unauthorised construction by the private respondents without obtaining sanctioned plan from the Panchayat, the petitioners are at liberty to submit a comprehensive representation in this regard before the Pradhan, Betkundu Gram Panchayat, being the 2nd respondent herein, within 7 days from date. The 2nd respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof upon granting reasonable opportunity of hearing to all concerned including the petitioners 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 allegedly raised by the private respondents is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

It is made clear that the 2nd respondent shall only deal with the issue of alleged unauthorised construction being raised in the plot in question and shall not go into the issue of title and possession in respect of the same.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)