

May 11, 2026
(27) ARDR

WPA 7558 of 2026

Sekh Saha Alam
Vs.
The State of West Bengal & ors.

Adv. Siddhartha Sarkar,
Adv. Sourav Gupta,
...for the petitioner.

Adv. Pampa Dey Dhabal,
Adv. Sangita Banerjee,
Adv. Biswarup Chatterjee,
Adv. Pritam Sarkar,
...for the respondent no. 8.

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

The State and the Panchayat are not represented despite service.

The petitioner alleges that the private respondent has raised unauthorised construction on a patta land recorded in the name of the father of the private respondent and classified as shali without obtaining sanction from the concerned Panchayat and without conversion of the land. The petitioner submitted a representation before the concerned authority in this regard on 18th March, 2026 and seeks consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that the construction in question was raised by the father of the private respondent long back, prior to promulgation of the West Bengal Panchayat Act, 1973. Also, the writ petition is premature since the representation was submitted on 18th March, 2026 and received by the Panchayat on 24th March, 2026.

It is a fact that the writ petition has been filed immediately after the representation was received by the Panchayat. However, the matter is taken up for consideration today, i.e., after forty days of receipt of the representation by the authority. The presentation is yet to be considered.

The plot in question has been recorded as patta land granted in favour of the predecessor in interest of the private respondent and classified as shali.

In view of the above, the Pradhan, Sihar Gram Panchayat, being the 7th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated 18th March, 2026 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 raised by the private respondent is found to be illegal/unauthorised, 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.)