

June 19, 2026
(42) ARDR

WPA 7795 of 2026

Smt. Alpana Bar
Vs.
The State of West Bengal & ors.

Adv. Amit Kumar Bikram,
Adv. Samrat Mandal,
...for the petitioner.
Adv. Baibhav Roy
...for the respondent nos. 8 to 12.
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

The petitioner has executed a power of attorney in favour of her son Prasenjit Bar authorising him to conduct the court proceedings including the present one.

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

The Panchayat is not represented despite service.

The petitioner claims to be the recoded owner of the plot in question and alleges that taking advantage of her absence from the said plot, the private respondents have obtained sanction for construction under Pradhan Mantri Awas Yojana and are raising construction therein. No consent has been taken by the private respondents from the petitioner in raising such construction. The petitioner submitted a representation before the concerned authority through her learned advocate on 10th March, 2026 and seeks consideration of the same.

Learned counsel for the private respondents denies and disputes the allegation raised by the petitioner and submits that the private respondents have been possessing

the plot in question for the last forty years as bargadars thereof.

The record of rights submitted by the petitioner prima facie suggests her possession in respect of the plot in question. Since the petitioner alleges that the private respondents are raising construction therein under the Pradhan Mantri Awas Yojana Scheme without her consent, the Pradhan, Bharatgarh Gram Panchayat, being the 4th respondent herein, is directed to consider and dispose of the representation submitted by her on 10th March, 2026 within four weeks from the date of communication of this order, upon granting reasonable opportunity of hearing to all concerned including the petitioner 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 raised by the private respondents is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

No further construction shall continue in the plot in question till disposal of the representation.

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.)