

April 20, 2026
(27) ARDR

WPA 7769 of 2026

Ajema Bibi & ors.
Vs.
The State of West Bengal & ors.

Adv. Shibasis Chatterjee,
...for the petitioners.
Adv. Debasis Bandypadhyay,
...for the respondent nos. 9 to 12.
Adv. Tapas Kumar Adhikari,
Adv. Kalpita Paul,
...for the State.

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 are raising unauthorised construction in the plot in question without obtaining any sanction from the concerned Panchayat. In reply to an application made by the petitioners under the Right to Information Act, 2005, the Pradhan, Devkundu Gram Panchayat has stated that no sanctioned building plan has been granted by the Panchayat to the private respondents for raising the alleged construction. The petitioners submitted a representation in this regard before the concerned authority on 14th March, 2026 which is yet to be considered. The petitioners seek consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that a partition suit has been filed by the private respondents which is pending. The private respondents have been residing in a portion of the plot in question for the last fifty years.

It appears from the documents produced by the private respondents with regard to the partition suit that the petitioners are not parties therein. However, since the representation submitted by the petitioners is pending, the Pradhan, Devkundu Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of the order 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 raised by the private respondents 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.)