

May 8, 2026
(78) ARDR

WPA 7820 of 2026

Bulbul Dey
Vs.
The State of West Bengal & ors.

Adv. Shahan Shan (VC),
Adv. Md. Shahjana,
...for the petitioner.

Adv. Chittapriya Ghosh,
Adv. Aiswarjya Gupta,
...for the respondent no.7.

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 without obtaining sanction from the concerned Panchayat. In an earlier writ petition the private respondent challenged the legality and validity of the construction raised by one of the co owners of the plot in question. Though this Court directed the Panchayat Pradhan to deal with the representation submitted by the private respondent in this regard, the Block Development Officer, Karimpur I Development Block dealt with the representation and passed an order on 11th July, 2024 directing the Pradhan to place the matter before the Sub Divisional Officer, Tehatta, Nadia.

Since this Court directed the Pradhan to deal with the dispute, the Block Development Officer had no authority to deal with the same. However it appears that the petitioner submitted a representation before the

Pradhan, Karimpur I Gram Panchayat, being the 5th respondent herein, alleging unauthorised construction being raised by the private respondent, which is pending. The petitioner seeks disposal of the same.

Learned counsel for the private respondent submits that the construction raised by the private respondent is in terms of the sanctioned building plan granted in his favour.

Be that as it may, since there is dispute between the parties with regard to the legality and validity of the construction raised by the private respondent, the 5th respondent is directed to consider and dispose of the representation submitted by the petitioner dated 18th September, 2023 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 said respondent shall pass an independent reasoned order without being influenced by any observation which may have been made by the Block Development Officer in the order passed by him.

The parties shall be at liberty to produce relevant documents in support of their contention before the authority at the time of hearing.

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.)