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jdt. 07.04.2026
jb.

WPA 8300 of 2025
(Sukumar De & Ors vs. State of West Bengal & Ors.)

Mr. Bharat Ch. Simai
.... **For the Petitioners**
Ms. Rupsha Chakraborty
Ms. Suman Biswas
.... **For the State**
Mr. Soumik Ganguly
Ms. Priti Barman
.... **For the Private Respondent**

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel for the petitioners submits that the private respondent has raised construction by encroaching upon their land without obtaining sanctioned plan from the concerned Panchayat. The petitioners submitted a representation before the concerned authority on 26th March, 2025 and seek consideration of the same.

Opposing such allegation, learned counsel for the private respondent submits that since the petitioners allege encroachment of their land by the private respondent, the issue needs to be dealt with by the civil Court and is not maintainable before this Court. The private respondent has also assailed the enquiry report submitted by the police authority before the learned Magistrate in a case under Section 145 of the Code of Criminal Procedure.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the allegation of encroachment of the petitioners' land by the private respondent shall be dealt with by the appropriate civil forum. Since the petitioners complain of unauthorised construction without obtaining sanctioned plan and also as the representation submitted by the petitioners is pending, the Pradhan, Brajalalpur Gram Panchayat, being the 6th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioners 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 it is found that the construction raised by the private respondent is unauthorised/illegal, the concerned authority shall take necessary steps in accordance with law.

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.)