

WPA 8730 of 2026

**Mamudali Sardar & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Nirmalendu Bera,
Ms. Gopa Das.**

... for the petitioners

**Mr. Satyendra Agarwal,
Mr. Bijoy Bag,
Mr. Goutam Malik.**

**... for the private
respondent no. 8**

Mr. Gora Chand Samanta.

... for the private respondent

Affidavit of service filed in Court today is taken on record.

The State and the Panchayat are not represented despite service.

Learned counsel for the petitioners submits that the private respondents are raising unauthorized construction by encroaching upon their land and without obtaining sanction from the concerned Panchayat.

Opposing such allegation learned counsels appearing for the private respondents submit that the petitioners are not the recorded owners of the plot in question and the issue of encroachment is to be decided by the appropriate forum.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the allegation of the petitioners with regard to encroachment of their property by the private respondents shall be dealt

with by the appropriate civil forum. The petitioners are at liberty to approach the said forum for ventilating of their grievance.

With regard to the allegation of unauthorized construction being raised by the private respondents without obtaining the sanctioned plan, the Pradhan, Belgachi Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioners in this regard on 25th February, 2026 within six weeks from the date of communication of this order upon affording 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 unauthorized/illegal, 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 writ petition are 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.)