

WPA 8372 of 2025**Purnendu Lo****Vs.****The State of West Bengal & Ors.**

Mr. Siddhartha Sarkar,
Mr. Prasad Bhattacharyya,
Mr. Sourav Gupta

...for the Petitioner

Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Mr. Nitish Samanta,
Ms. Shreyashee Mitra

...for the Private Respondent

The petitioner alleges that Respondent No. 7, his neighbour, has constructed a building encroaching upon a portion of the Panchayat road to the extent of three feet. The petitioner acknowledges that Respondent No. 7 obtained permission from the Panchayat for the construction; however, it is contended that the portion encroaching upon the Panchayat road has been constructed beyond the scope of the sanctioned plan.

The petitioner further alleges that, as a result of such encroachment, the Panchayat road running between the petitioner's residence and that of Respondent No. 7 has been narrowed, thereby causing inconvenience to the petitioner. It is also submitted that although the petitioner initially obtained an order of injunction from the Civil Court at the commencement of the construction undertaken by Respondent No. 7, the said respondent, in violation of the injunction order, proceeded to complete the construction, including the alleged encroachment upon the Panchayat road.

Learned counsel appearing on behalf of Respondent

No. 7 denies the allegations. It is submitted that the construction has been carried out entirely on land exclusively owned by Respondent No. 7 and that no encroachment upon any Panchayat road has occurred. The very existence of a Panchayat road at the alleged location is also disputed.

It appears from the materials on record that the Panchayat Authority had convened a meeting on September 2, 2024, to consider the petitioner's grievance. However, no decision was rendered pursuant to such hearing.

In the aforesaid circumstances, I do not deem it necessary to keep the present writ petition pending. In my considered view, the Panchayat shall convene a further meeting, affording an opportunity of hearing to both the petitioner and Respondent No. 7. Upon hearing the parties and conducting an inspection in their presence, the Panchayat shall pass a reasoned order in accordance with law and communicate the same to the parties forthwith.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, **WPA 8372 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)

