

WPA 8767 of 2026

Murari Mohan Mondal
Vs.
The State of W.B. & Ors.

Mr. Sourav Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal
Mr. Debarghyo Sil ...for the petitioner.

Mr. Animesh Paul ...for the private respondent.

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

On prayer of the petitioner, liberty is granted to implead the Block Development Officer, Hingalganj Block as respondent no.13 in the writ petition. The cause title of the writ petition be amended accordingly.

Since the State is represented, service of notice to the added respondent is dispensed with.

The petitioner claims to be the co-sharer in respect of the plot in question with respondent nos.9 to 12. A partition suit is pending between them wherein the learned Trial Court has granted an order of ad interim injunction in the form of status quo.

Alleging unauthorized construction raised by respondent nos.9 to 12 in violation of the said order an application under Order XXXIX Rule 2A of the Code of Civil Procedure has been filed by the petitioner which is pending.

The petitioner has sought demolition of the structure raised in violation of the order of status quo.

The petitioner alleges that the respondent nos.9 to 12 alongwith respondent no.8 who is the Pradhan of Dulduli Gram Panchayat have constructed a nursing home in a portion of the said plot which has been acquired. The said construction is without sanction from the concerned Panchayat. The petitioner has submitted a representation in this regard before the concerned authority on 27th March, 2026 and seeks consideration of the same.

Whether there has been any violation of the order of status quo granted by the learned Trial Court or whether the nursing home has been constructed on the undivided property of the petitioner or on acquired land shall be decided by the appropriate forum.

Since the petitioner alleges that the construction has been raised without obtaining sanction from the concerned Panchayat and the Pradhan of the Panchayat is also involved in raising the said construction, the Block Development Officer, Hingalganj Block, being the 13th respondent herein, is directed to consider and dispose of the representation submitted by them dated 27th March, 2026 within four weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioner 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 respondents is found to be illegal/unauthorized, the concerned authority shall take necessary steps in accordance with law.

The writ petition is disposed of accordingly.

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 this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)