

WPA 9038 of 2026

Ankul Mondal @ Anukul Chandra Mondal
Vs.
The State of W.B. & Ors.

Mr. Timir Baran Saha ...for the petitioner.

Mr. Atis Kr. Biswas
Ms. Jyoti Agarwal
Ms. Priyanka Ghosh ...for the private respondent.

Affidavit of service filed by the petitioner is taken on record.

The State and the Panchayat are not represented despite service.

Learned counsel for the petitioner submits that the petitioner has been granted patta in respect of the plot in question and has raised a residential room therein. The private respondent has raised construction in the said plot without obtaining sanction from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on 9th March, 2026 and seeks consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that the petitioner, the private respondent and one Swapan Mondal are full-blood brothers and Swapan Mondal is also a patta holder in respect of the same plot as the petitioner. The private respondent and Swapan Mondal are residing in the said plot together.

The petitioner has deliberately not impleaded Swapam Mondal as party to the writ petition. Also, the construction raised by the petitioner is unauthorized and without sanction of the concerned Panchayat. The concerned authority may be directed to enquire into the legality of both the structures and take necessary steps accordingly.

Learned counsel for the petitioner denies the contention of the private respondent.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that whether the alleged construction is being raised on patta land of the petitioner or the others shall be decided by the appropriate forum. It is beyond purview of the writ petition.

With regard to the alleged unauthorized construction raised by the private respondent in the said plot, since the representation submitted by the petitioner in this regard is pending, the Pradhan, Betai-II Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

The concerned authority shall hold an enquiry with regard to the construction raised by both the parties in the plot in question.

In the event any of the constructions is found to be unauthorized/illegal, 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.)