

WPA 9043 of 2026

Umenjit Das
Vs.
The State of W.B. & Ors.

Mr. Mahammad Mahmud
Mr. Chattu Naskar ...for the petitioner.

Md. K. Basar Bulbul
Mr. Samirul Sardar ...for respondent nos.6-8.

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 private respondents who are co-sharers of the plot in question have encroached upon his portion of the land and have raised unauthorized construction therein without obtaining any sanction from the concerned Panchayat, without conversion of the land recorded as “suna” and in violation of building rules. The petitioner submitted a representation in this regard before the concerned authority on 8th December, 2025 and seeks consideration of the same.

Learned counsel for the private respondents submits that the allegation of encroachment of the petitioner’s land should be dealt with by the appropriate civil forum.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the issue of encroachment of the petitioner's land as alleged shall be dealt with by the appropriate civil forum. The petitioner is at liberty to approach the said forum for ventilation of his grievance.

With regard to the alleged unauthorized construction raised by the private respondents without obtaining sanction, without conversion of the land and in violation of building rules, the Pradhan, Baruipara Paltagarh Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the representation submitted by the petitioners in this regard 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.

In the event the construction raised by the private respondent 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.)