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jdt. 23.06.2026
jb.

WPA 9188 of 2025
(Shyamali Kala vs. State of West Bengal & Ors.)

Mr. Salil Kr. Maiti
Ms. Dolon Samanta
.... **For the Petitioner**
Mr. Madhu Jana
Ms. Madhu Sonkar
.... **For the State**

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

The petitioner alleges that the private respondents are raising construction on agricultural land without conversion of the same and without obtaining sanction from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on 26th April, 2024 pursuant to which a notice of hearing was issued by the Pradhan, Birbandar Gram Panchayat on 2nd May, 2024 fixing the date of hearing on 6th May, 2024. The matter has not proceeded any further since then.

Denying such allegation, learned counsel for the private respondents submits that a portion of the plot in question has been sold out by the petitioner to the private respondents.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that sale of the plot or any portion thereof has nothing to do with the alleged unauthorised construction continuing therein.

Since the Pradhan, Birbandar Gram Panchayat, being the 2nd respondent herein, has proceeded with the

representation submitted by the petitioner but no further step has been taken after hearing was held on one or two occasions, the 2nd respondent is directed to consider and dispose of the representation within four weeks from the date of communication of this order upon granting further opportunity of hearing to the parties, 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 illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be 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.)