

09.04.2026
rc/ct.no.15
Item No.34

WPA No. 10143 of 2024
Prankrishna Manna
Versus
The State of West Bengal & Ors.

Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu ..for the petitioner

Mrs. Suman Sehenabis
Mrs. Atulya Sinha Verma
Mr. Avishek Samadar
..for the respondent nos.9 to 10

Mr. Ziaul Islam
Mr. Srikanta Paulfor the State

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

None appears for the Panchayat despite service.

It is not in dispute that the petitioner and the private respondents are co-sharers in respect of the plot in question. A partition suit is pending between them wherein a preliminary decree has been granted. The petitioner alleges that the private respondents are raising construction therein without obtaining sanctioned plan from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on October 16, 2023 which is yet to be considered. The petitioner seeks consideration of the same.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the issue of possession of the property shall be dealt with by

the learned trial Court in the pending suit. Since the petitioner alleges unauthorized construction raised by the private respondents without obtaining sanctioned plan also, as representation submitted by the petitioner before the concerned authority in this regard is pending, the Pradhan, Basudevpur Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon giving 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 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, 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)

