

WPA 9972 of 2026

Mojafar Molla & Ors.
Vs.
The State of W.B. & Ors.

Mr. Sudarshan Ghosh ...for the petitioners.

Mr. Pankaj Halder
Mr. Bidish Ghosh
Ms. Dipannita Manna
...for the private respondents.

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

The State and the Panchayat are not represented despite service.

Learned counsel for the petitioners submits that the petitioners and the private respondents are co-sharers in respect of the plots in question. A partition suit is pending between them wherein the learned Trial Court has granted an order of temporary injunction in the form of status quo in respect of the said plots. The private respondents are raising construction therein in violation of the order of the learned Trial Court as well as without obtaining sanction from the concerned Panchayat.

The petitioners submitted a representation in this regard before the concerned authority on 23rd March, 2026 and seek consideration of the same.

Opposing such allegation, learned counsel for the private respondents submits that they are causing repairs

to the existing structure in plot no.214 and are raising construction in plot no.215 under the Pradhan Mantri Awas Yojana Scheme.

I have considered the contention of the parties. The allegations of the petitioners with regard to the alleged violation of the order of temporary injunction passed by the learned Trial Court shall be dealt with by the learned Trial Court, in accordance with law. With regard to the allegation of unauthorized construction raised by the private respondents, the Pradhan, Maydah Gram Panchayat, being the 6th respondent herein, is directed to consider and dispose of the representation submitted by the petitioners dated 23rd March, 2026 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, in accordance with law.

The parties shall be at liberty to produce relevant documents in support of their contention before the concerned authority at the time of hearing.

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 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.)