

WPA 9680 of 2025

Swarna Kamal Jana
Vs.
The State of W. B. & Ors.

Dr. Suravi Ghosh
Ms. Sunandana Saha ...for the petitioner.

Mr. Tanmoy Mukherjee
Mr. Kamal Mishra
Mr. Souvik Das
Mr. A. Mullick ...for the respondent nos.6-11.

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

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

The Panchayat is not represented despite service.

The petitioner claims to be a co-sharer in respect of the plot in question alongwith the private respondents. A partition suit is pending between them. The petitioner alleges that the private respondents are raising construction in a portion of the plot without conversion of the same from 'Jal' to 'Bastu' and also without obtaining sanction from the concerned Panchayat. The petitioner submitted a representation before the concerned authority in this regard on 16th April, 2025 which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the respondent nos.6 & 7

have raised a mud house with tile shed long ago which does not require any sanction in terms of relevant Act. The other respondents have raised construction under the Banglar Awas Yojana which does not require sanction from the concerned authority. The contention of the parties need to be verified by the appropriate authority.

In view of the fact that the representation submitted by the petitioner before the concerned authority on 16th April, 2025 is pending, the Pradhan, Birulia Gram Panchayat, being the 4th respondent herein, is directed to consider and dispose of the same within four weeks from the date of communication of this order upon affording 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/unauthorized, 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.)