

June 15, 2026
(33) ARDR

WPA 10023 of 2025

Afsar Ali Mallick
Vs.
The State of West Bengal & ors.

Adv. Sani Hossain,
Adv. Salma Sultana Shah,
Adv. Miraj Hossain,
...for the petitioner.
Adv. Samirul Sardar,
..for the respondent nos. 7 & 8.
Adv. D. N. Ray, Ld. G.P.,
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

Affidavit of service and the supplementary affidavit
filed by the petitioner are taken on record.

The petitioner alleges that the private respondents have raised unauthorised construction without obtaining sanction from the concerned Panchayat. In an earlier writ petition being WPA 696 of 2025, the 7th respondent alleged that the petitioner herein raised construction without obtaining sanction from the concerned Panchayat. By an order passed on 28th March, 2025, a coordinate Bench of this Court directed the Pradhan, Gangadharpur Gram Panchayat to consider and dispose of the representation submitted by the said petitioner (the 7th respondent herein) within a stipulated time frame upon following particular procedure. Pursuant to the said order a survey was conducted by the concerned authority and by a reasoned order passed on passed on 10th January, 2026, the Pradhan held that the 7th respondent herein has raised construction on land classified as “suna” without sanction from the Panchayat. The petitioner submitted a

representation before the concerned authority in this regard on 28th October, 2024 and seeks consideration of the same.

Opposing such allegation, learned counsel for the private respondents submits that the construction raised by the petitioner is illegal and unauthorised and a contempt application is pending due to non compliance of the order of the Court in the earlier writ petition by the authority.

I have considered the rival contention of the parties. The representation submitted by the petitioner was prior to the decision taken by the authority pursuant to the order passed by this Court in the earlier writ petition. It is clearly indicated that the reasoned order passed by the Pradhan that the construction raised by the 7th respondent is without sanction of the Panchayat. A certificate issued by the Pradhan in favour of the petitioner and Asik Ali Mallick on 10th September, 2024 also indicates that the petitioner has raised construction upon obtaining permission from the Panchayat.

Upon consideration of the material on record, this Court is inclined to hold that since the Pradhan, Gangadharpur Gram Panchayat, being the 6th respondent herein, has arrived at a decision that the construction raised by the 7th respondent is unauthorised and without requisite sanction of the Panchayat, the said respondent is directed to take necessary steps in terms of Section 23(5) of the Panchayat Act, 1973 for referring the matter to the Sub

Divisional Officer, Serampore, being 3rd respondent herein, within two weeks from the date of communication of this order. The 3rd respondent is directed to take necessary consequential steps in terms of Section 23(5) of the Act within four weeks from the date of receipt of the reference from the 6th respondent.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)