

WPA 10257 of 2025

Sudhir Chandra Mandal & Anr.
Vs.
The State of W.B. & Ors.

Sk. Moinuddin ...for the petitioners.

Md. Zeeshanuz Zaman ...for the respondent no.6.

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

This Court is informed that the 7th respondent has expired during pendency of the writ petition. Her name be expunged from the cause title of the petition.

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

The Panchayat is not represented despite service.

Learned counsel for the petitioners submits that the private respondent has raised unauthorized construction without obtaining sanction from the concerned Panchayat by encroaching upon their land. The petitioners submitted a representation in this regard before the concerned authority on 4th April, 2025 and seek consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that the structure in question has been standing in the said plot for decades and no new construction is being made therein. The contention of the

private respondent needs to be verified by the appropriate authority.

The allegation of encroachment of their property raised by the petitioners shall be dealt with by the appropriate civil forum. The petitioners are at liberty to approach the said forum for redressal of their grievance. Insofar as the allegation of unauthorized construction raised without obtaining sanction is concerned, the Pradhan, Iswaripur Gram Panchayat, being the 4th respondent herein, is directed to consider and dispose of the representation submitted by the petitioners dated 4th April, 2025 within four weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioners 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.)