

April 9, 2026
(35) ARDR

WPA 11205 of 2025

Joy Bardhan Shama & anr.
Vs.
The State of West Bengal & ors.

Adv. Lal Ratan Mondal,
Adv. Dilip Kumar Sadhu,

...for the petitioners.

Adv. Susovan Sengupta,
Adv. Subir Pal,
Adv. Sanatan Panja,

...for the State.

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

None appears for the Panchayat and the private respondents despite service.

It is not in dispute that the petitioners and the private respondents are co owners in respect of the plot in question. The petitioners allege that the private respondents are raising construction therein without obtaining any sanctioned plan from the Panchayat and in violation of the building rules. The petitioners submitted a representation before the concerned authority in this regard on 1st December, 2023 which is yet to be considered. The petitioners seek consideration of the same.

Learned counsel for the State submits that if it is found that the alleged construction is unauthorised, the matter may be referred to the Block Development Officer for necessary steps in accordance with law.

Upon considering the submission made on behalf of the parties, the Pradhan, Dumurdah Nityanandapur 2 Gram Panchayat, being the 4th respondent herein, is directed to consider and dispose of the representation submitted by the petitioners on 1st December, 2023 within six weeks from the date of communication of the 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/unauthorised, the concerned authority shall take necessary steps in accordance with law.

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.)