

16.06.2026
rc/ct.no.15
Item No.33

WPA No. 10559 of 2025
Hamid Mallick
Versus
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Debjit Dutta ..for the petitioner

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

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

The Panchayat and the private respondents are not represented despite service.

The petitioner alleges that the private respondents are raising unauthorized construction without obtaining sanction from the concerned Panchayat. In response to an application filed by the petitioner under the Right to Information Act, 2005, the Public Information Officer and Executive Assistant, Nalua Gram Panchayat has informed by a letter issued on March 26, 2025 that no building plan was approved for the construction raised by the private respondents. The petitioner submitted a representation in this regard before the concerned authority on April 16, 2025 and seeks consideration of the same.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that

since the concerned Panchayat has confirmed that the construction raised by the private respondents is without a sanctioned building plan, the Pradhan, Nalua Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated April 16, 2025 within four weeks from the date of communication of this order upon granting 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/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is disposed of.

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)