

May 20, 2026
(45) ARDR

WPA 11102 of 2026

Salauddin Paik
Vs.
The State of West Bengal & ors.

Adv. Debrup Chowdhury,
Adv. Syed Murshid Alam,
Adv. Kalu Halder,
Adv. Reshma Khatun,
Adv. Subrata Ghosh,

...for the petitioner.

Adv. Sounak Mondal,
Adv. Soham Banerjee

...for the respondent nos.
6 to 15, 19, 20, 22, 24 to 28.

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

The State, the Panchayat and the respondent nos. 16, 17, 18, 21, 23, 29 and 30 are not represented despite service.

The petitioner claims to be the recorded owner of the plot in question which is classified as 'pukur' in the record of rights and alleges that the private respondents have raised unauthorised pucca construction therein by converting the land illegally and without obtaining any sanction from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority through his learned advocate on 28th April, 2026 and seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the petitioner ought to have filed separate writ petitions against twenty-five private respondents since his allegation against the private

respondents is that they have raised unauthorised construction in the plot in question.

I have considered the rival contention of the parties. Since the cause of action insofar as all the private respondents is concerned is the same, the writ petition is maintainable in its present form and prayers. In view of the fact that the petitioner has alleged illegal construction being raised by the private respondents without obtaining sanction from the concerned Panchayat, the Pradhan, Gatista Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by him in this regard within six 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 3rd respondent shall hold a joint spot inspection upon issuance of notice to the parties in order to ascertain any other unauthorised construction which may have been made in the said plot.

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 or any other construction therein 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.)