

15.06.2026
rc/ct.no.15
Item No.71

WPA No. 11956 of 2026
Rahamat Sk @ Rahamat Ali & Ors.
Versus
The State of West Bengal & Ors.

Mr. Gunjan Kumar Singh ..for the petitioner

Mr. D.N.Ray, Ld. G.P.
Mr. Madhu Jana
Ms. Puja Sonkar ...for the State

Mr. Sudipta Dastupta
 ...for the respondent nos.5 to 10

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

Learned counsel for the petitioners submits that the parties are co-sharers of the plot in question and a partition suit is pending between them. Despite an order of status quo passed by the learned trial Court in respect of the nature, character, possession and enjoyment of the property as on date of the order, the private respondents are raising construction therein in violation of the said order and without obtaining sanction from the concerned Panchayat. The petitioners submitted a representation in this regard before the concerned authority on April 21, 2026 and seek consideration of the same.

Learned counsel for the private respondents denies and disputes the allegation raised by the petitioners and submits that no further construction has been made by

the private respondents on the plot in question after the order of status quo was passed.

The allegation of the petitioners with regard to the construction raised by the private respondents in violation of the order of status quo shall be dealt with by the learned trial Court, in accordance with law. Since the petitioners allege that the private respondents are raising construction without obtaining sanction from the concerned Panchayat, the Pradhan, Mithipur Gram Panchayat, being the 4th respondent herein, is directed to consider and dispose of the representation submitted by them on April 21, 2026 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/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)