

17.06.2026
rc/ct.no.15
Item No.36

WPA No. 12310 of 2026
Ajoy Kumar Mondal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Pradip Paul
Ms. Renesa Dey ...for the Petitioners

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

Mr. Amal Krishna Samanta
Mr. Arun Kumar Das
....for the private respondent nos. 8 and 9

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

Service upon the 6th and 7th respondent have returned with an endorsement “refused” which amounts to good service. The Panchayat is not represented despite service.

Learned counsel for the petitioners submits that the petitioners are the owners of a plot of land in Dag No. 297 in Mouza – Sudampur and the private respondents own the adjacent plot being dag no. 304. The private respondents are raising construction in plot no. 304 under the Pradhan Mantri Awas Yojana Scheme and in doing so, having encroached upon a portion of the petitioners’ plot which is classified as “Jal” in the L.R.Record of Rights. The petitioners submitted a representation in this regard before

the concerned authority on March 25, 2026 and seek consideration of the same.

Opposing such allegation learned counsel for the private respondents submits that the private respondents are raising construction in their own land strictly in terms of the scheme allotted in their favour. Plot no. 304 is classified as "Sali".

The contention of the parties need to be verified by the concerned authority. Since the representation submitted by the petitioners in this regard is pending, the Pradhan, No. 6 Ramchak Gram Panchayat, being the 7th respondent herein, is directed to consider and dispose of the same 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)