

14.05.2026
Ct. No.15
Sl. No.25
akd

W. P. A. 12737 of 2025

[Nurun Necha Bibi -Vs- The State of West Bengal & Ors.]

Mr. Samim Ahmed
Ms. Gulsanwara Pervin
... ... for the petitioner

Mr. Satyem Mukherjee
Mr. Purnendu Shekhar Ghosh
Mr. Saibal Rakshit
... ... for the private respondent

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

The State and the Panchayat are not represented despite service.

The petitioner alleges that the private respondent is raising *pucca* construction illegally without obtaining sanction from the concerned Panchayat. The petitioner is a co-sharer in respect of the property. A partition suit is pending between the co-sharers wherein the learned trial court has granted an order of injunction in the form of status quo upon the parties. The petitioner has submitted a representation ventilating her grievance before the concerned authority on 20th May, 2025 and seeks consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that no active construction is being carried on by the private respondent in the property. The photographs annexed to the writ petition suggest construction of a boundary wall which does not require sanction from the Panchayat. The private respondent is also not a party to the partition suit.

I have considered the rival contention of the parties.

The order of status quo or alleged violation of the same shall be dealt with by the learned trial court in accordance with law. The private respondent does not appear to be a party in the said suit. However, since the petitioner alleges unauthorized construction being raised by the private respondent without obtaining sanction from the Panchayat and also, since the representation submitted by her is pending, the Pradhan, Jadhurhati Uttar Gram Panchayat, being the 8th respondent herein, is directed to consider and dispose of the same 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 respondent, 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 allegedly raised by the private respondent is found to be illegal/unauthorized, 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.)