

June 29, 2026
(23) ARDR

WPA 13562 of 2026

Pradyut Kumar Malik
Vs.
The State of West Bengal & ors.

Adv. Koyeli Bhattacharyya,
...for the petitioner.
Adv. Ramchandra Guchhait,
...for the respondent nos. 10 to 12.
Adv. Ramsha Shamim,
Adv. Souri Ghosal (VC),
...for the respondent no.9.
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

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

The Zilla Parishad is not represented despite service.

Learned counsel for the petitioner submits that the private respondents have raised construction in plot nos. 1246, 1260 and 1261 without obtaining sanction from the concerned Panchayat. Plot nos. 1246 and 1260 are classified as danga in L.R. record of rights. No conversion has also been applied for by the private respondents to raise construction in the said plots. The petitioner submitted representations in this regard before the Pradhan, Dhulasimla Gram Panchayat, being the 9th respondent herein, on 27th August, 2024 and 23rd May, 2026 and seeks consideration of the same.

Opposing such allegation, learned counsel for the private respondents submits that the private respondents have raised construction in plot no. 1261 which is owned

by them and classified as bastu. The residential building standing therein has been recorded in the C.S. record of rights since the plot in question has been inherited by the private respondents from their predecessor in interest.

Learned counsel for the Panchayat submits that pursuant to the representations submitted by the petitioner, notice of inspection has been issued upon the parties. Upon holding inspection of the plots in question, the representations submitted by the petitioner shall be considered.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the Panchayat authority has taken steps pursuant to the representations submitted by the petitioner, the Pradhan, Dhulasimla Gram Panchayat, being the 9th 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 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 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.)