

29.06.2026
rc/ct.no.15
Item No.29

WPA No. 13657 of 2026
Dilip Kumar & Ors.
Versus
The State of West Bengal & Ors.

Mr. Rajib Kumar Basu ..for the petitioner

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

Mr. Palash Bapari ..for the respondent no. 8

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

The Panchayat is not represented despite service.

The petitioners claim to be co-sharers of the undivided plot in question alongwith the private respondent and allege that the private respondent is raising construction therein without obtaining sanction from the concerned Panchayat. The petitioners submitted a representation in this regard before the concerned authority on May 21, 2026 which is yet to be considered. The petitioners seek consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that the private respondent is raising construction in terms of the sanctioned building plan and permission granted by the concerned Panchayat. However, the private respondent is unable to produce the sanctioned building plan before this Court.

In view of the fact that the petitioners allege unauthorized construction being raised by the private respondent on undemarcated property, the Pradhan, Digisui Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioners dated May 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 respondent, in accordance with law.

The parties shall be at liberty to produce relevant documents in support of their respective contention before the concerned authority at the time of hearing.

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 respondent 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)