

16.04.2026
rc/ct.no.15
Item No.20

WPA No. 15106 of 2024
Santanu Jana
Versus
The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay
Ms. Debarshi Chatterjee ..for the petitioner

Mr. Himadri Sikhar Chakraborty
Mrs. Sunita Sahafor the State

Mr. Gautam Guria...for the respondents no.10&11

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

None appears for the Panchayat despite service.

The petitioner alleges unauthorized construction raised by the private respondents. The petitioner submitted a representation in this regard before the concerned authority which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation learned counsel for the private respondents submits that the private respondents have raised the construction in 2010 in terms of the permission/ sanctioned building plan in their favour by the Panchayat.

It appears from the report submitted by the State that the concerned Gram Panchayat has submitted a report to the effect that the private respondents were granted permission to construct residential house within six weeks from the date of issuance of such permission on

February 15, 2010. In response to an application filed by the petitioner under the Right to Information Act, 2005, the Executive Assistant of the Panchayat has informed that the Panchayat did not grant any sanctioned building plan for the G+1 construction raised by the private respondents.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since there is a dispute with regard to the grant of sanctioned building plan by the Panchayat and the construction being raised beyond the time frame fixed in the permission, consideration of the representation submitted by the petitioner before the concerned authority on April 22, 2024 shall help the authority to come to a logical conclusion with regard to the said dispute.

Accordingly, the Pradhan, Mahammadpur Gram Panchayat-2, being the 8th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated April 22, 2024 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 parties shall be at liberty to place relevant documents in support of their respective contention before the 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 respondents is found to be unauthorised/illegal, 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)