

WPA 16402 of 2025

Ramjan Ali
Vs.
The State of W.B. & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar ...for the petitioner.

Mr. Mahaboob Ahmed ...for respondent no.7.

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

None appears for the State and the Panchayat despite service.

Learned counsel for the petitioner submits that the private respondent is raising construction in Dag no.1266, LR Khatian no.1016 comprising an area of 5 decimals which is recorded as 'kabarsthan' in the LR Record of Rights. The private respondent is raising such construction without obtaining any sanction from the concerned Panchayat.

The petitioner submitted a representation in this regard before the concerned authority on 23rd April, 2025, which is yet to be considered. The petitioner seeks consideration of the same and a direction to stop the construction till the representation is disposed of.

Learned counsel takes this Court to a certificate issued by the Pradhan, Amdole Gram Panchayat on 16th April, 2025 indicating that the private respondent has

constructed 3 pucca rooms with verandah without obtaining permission from the Panchayat.

The private respondent denies and disputes the allegations made by the petitioner.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner alleges unauthorized construction being raised by the private respondent on a plot recorded as 'kabarsthan' which is prima facie endorsed by the concerned Gram Panchayat, the Pradhan, Amdole Gram Panchayat being the 6th respondent herein, is directed to consider and dispose of the representation submitted in this regard on 23rd April, 2025 within six weeks from the date of communication of this order upon affording 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 raised by the private respondent is found to be unauthorized/illegal, the concerned authority shall take necessary steps in accordance with law. No further construction shall be carried on by the private respondent in the land in question till disposal of the representation.

The writ petition is disposed of accordingly.

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.)