

A688 08-01-2026
AKG
Ct. 15

WPA 17138 of 2024
Ram Hari Das
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Sau,	
Mr. S. Sau	...for the Petitioner
Mr. Debottam Das	
	...for the State
Mr. Ziaul Haque	
	...for Respondent No. 7

It is the grievance of the petitioner that Respondent Nos. 7 and 8 have made an unauthorised construction by encroaching upon a common passage belonging to the petitioner on L.R. Dag No. 6749, J.L. No. 138, Mouza Khejuri, District Purba Medinipur.

Learned counsel appearing for the petitioner submits that, due to the encroachment of the common passage by the said construction—namely, a small tea stall measuring approximately 9 feet × 7 feet—the ingress and egress of the petitioner from his residential house have been obstructed. It is further alleged that, in raising the said brick-built tiled shed structure, no permission was obtained from the concerned Panchayat Authority. It is also submitted that, as on date, no tea stall is operating from the said structure and that the building has remained unutilised for at least the last three years.

Learned counsel appearing for Respondent No. 7 denies the allegations made by the petitioner.

This Court is, however, not inclined to enter into the merits of the rival contentions. It appears that, on behalf of the petitioner, a representation dated 18th June, 2024 was submitted before the Pradhan, Tikashi Gram Panchayat, being Respondent No. 3.

In view of the aforesaid, the writ petition is disposed of with a direction upon the Pradhan, Tikashi Gram Panchayat, Respondent No. 3, to consider and dispose of the representation dated 18th June, 2024, as appearing at page 41 of the writ petition, in accordance with law.

If any unauthorised construction is detected upon such consideration, the Pradhan, Tikashi Gram Panchayat, Respondent No. 3, shall take appropriate steps in terms of Section 23(5) of the West Bengal Panchayat Act, 1973, within a period of one month from the date of communication of this order.

Accordingly, **WPA 17138 of 2024** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)