

02.04.2026
rc/ct.no.15
Item No.30

WPA No. 16972 of 2025
Hanif Ali Laskar
Versus
The State of West Bengal & Ors.

Mr. Subham Ghosh ..for the petitioner

Mr. Vimal Kumar Shahi
Mrs. Rupsha Chakraborty ..for the State

...for the private respondents

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

None appears for the Panchayat and the private respondent despite service.

The petitioner alleges that the private respondent has raised construction in the plot in question in respect of which the petitioner and the private respondent are co-sharers. The plot is recorded as doba in the L.R.Record of Rights. A partition suit is pending between the parties. The petitioner submitted a representation ventilating his grievance before the concerned authority on May 09, 2025 which is yet to be considered. The petitioner seeks consideration of the same.

It appears from the report submitted by the State that the private respondent has raised construction by filling up a water body and has not been able to produce

any document to substantiate that he obtained sanctioned plan for the same or permission for conversion of the land.

In view of the above, this Court is inclined to hold that since it prima facie appears that the land in question is classified as doba and the private respondent has raised construction therein without obtaining any sanctioned plan and without conversion of the land and also since the representation submitted by the petitioner is pending before the concerned authority, the Pradhan, Bankra 2 No. 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 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 illegal/ unauthorized, the concerned authority shall take necessary steps in accordance with law.

It is made clear that the 9th respondent shall deal with the issue of unauthorized/illegal construction. The title and possession in respect of the plot shall be dealt with by the learned Civil Court in the pending suit.

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)