

March 24, 2026
(40) ARDR

WPA 18402 of 2024

Srikanta Maity @ Jaharlal Maity & anr.
Vs.
The State of West Bengal & ors.

Adv. Gopal Pahari,
Adv. Mandeep Kaur,
Adv. Jagatjoti Nag,

...for the petitioners.

Adv. Sukumar Ghosh,
Adv. Moumita Ghosh,

...for the private respondent.

Adv. Sabnam De Bardhan,
Adv. Kakali Naskar,

...for the State.

Report submitted by the State is taken on record.

The petitioners are aggrieved by the unauthorised construction raised by the private respondent. Learned counsel for the petitioners takes this Court to a reply issued by the concerned Gram Panchayat to the application made by the petitioners under Right to Information Act as well as reply issued by the concerned Zilla Parishad, both of which state that no building plan was sanctioned in favour of the private respondent for the construction raised by him.

The petitioners also contend that the land in question has been recorded as kala and there was no application for conversion of the same prior to the construction.

Upon consideration of the submission made on behalf of the parties, this Court directs the Pradhan,

Bishnubar-II Gram Panchayat, being the 9th respondent herein, to consider and dispose of the representation submitted by the petitioners dated 19th June, 2024 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. In dealing with the application, the concerned authority shall take into account the replies to the applications under the Right to Information Act issued by the relevant authorities.

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 illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)