

30.01.2026
Item No.855 (DL)
Court No.551
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 17541 of 2025

**Uttam Roy
-Vs-
The State of West Bengal & Ors.**

Mr. Mukunda Lal Sarkar,
Mr. Sibendu De.
...for the petitioner.

Mr. Mir Anuruzzaman.
.....for the State.

Mr. Abhijit Basu,
Mr. Anirban Ghosh,
Mr. Debdipto Banerjee,
Mr. Soumen Banerje.
.....for the respondent no.8.

1. This writ petition has been filed alleging inaction on the part of the respondent no.7 i.e. *the Pradhan, "Belgharia 1 No. Gram Panchayat"* in taking steps upon the petitioner's complaint as regards alleged illegal construction being conducted by the respondent no.8.

2. Learned Advocate appearing for the petitioner submits that the respondent no.8 has encroached upon the petitioner's private property and has raised constructions without any sanctioned plan and without leaving the mandatory open spaces.

3. It is submitted that despite representations to that effect being made to the respondent no.7 being the relevant Pradhan, no

step has been taken against the respondent no.8.

4. Learned Advocate appearing for the respondent no.8 refutes such contention of the petitioner and submits that there has neither been any encroachment upon any private land of the petitioner nor any illegal construction without sanction plan as alleged. It is further brought to the notice of the Court that a civil suit being Title Suit No. 279 of 2025 has already been instituted by the petitioner against the respondent no.8 and others in the Court of the learned Civil Judge (Senior Division) at Ranaghat seeking partition of the properties indicated therein.

5. It is submitted that if the subject property itself is still un-partitioned the question of encroachment by the private respondent upon the petitioner's land cannot and does not arise.

6. Learned Advocate appearing for the State respondents hands up to Court the instructions forwarded to him by the Officer-in-Charge, Santipur Police Station and submits that there has been no inaction on the part of the Police Authorities. The said instructions are taken on record.

7. Heard learned Advocate appearing for the respective parties and considered the materials on record.

8. Since it is evident that a suit has already been filed by the petitioner *inter alia* against the respondent no.8, for partition therefore the question as to whether encroachment on the petitioner's land has been done by the private respondent or not will be decided by the Civil Court itself. There may be sufficient force in the submission made by the private respondents that since the subject property is still un-partitioned, the question of encroachment upon the land of the petitioner cannot arise. However it is for the competent Civil Court to take a decision on such issue and this Court is not expressing any opinion thereon.

9. Be that as it may, since a complaint as regards raising of construction without sanctioned plan has been made before the respondent no.7, the respondent no.7 i.e. *the Pradhan, "Belgharia 1 No. Gram Panchayat"* shall look into such complaint and take appropriate steps in accordance with law.

10. Needless to mention that the Pradhan shall before taking any step give an opportunity

of hearing to the private respondent as well as the petitioner.

11. With the aforesaid observations, WPA 17541 of 2025 stands disposed of.

12. There shall be no order as to costs.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)