

WPA 18330 of 2025

Satish Chandra Pradhan & Ors.
Vs.
The State of W. B. & Ors.

Mr. Ram Chandra Guchhait
Mr. Debrup Chowdhury
Mr. Sourav Guchhait ...for the petitioners.

Mr. Kapil Ch. Sahoo ...for respondent nos.11 & 12.

Ms. Sabnam De Bardhan
Mr. Prashant Kr. Tripathi ...for the State.

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

None appears for the Panchayat despite service.

Learned counsel for the petitioners submits that the petitioners and the private respondents are co-sharers in respect of the plot in question. The private respondents have been raising construction therein without obtaining sanctioned plan and without conversion of the land. The plot is recorded as 'Jala'.

Learned counsel for the private respondents submits that the construction standing on the plot in question is an old one and no new construction is going on therein. A title suit has been filed by the private respondents against the petitioners wherein the learned Trial Court has granted an order of status quo upon both the parties in respect of the nature, character, title and possession of the plot.

Learned counsel for the petitioner denies and disputes the contention of the private respondent with regard to the age of the construction.

The title and possession of the plot in question shall be decided by the learned Civil Court in the title suit pending before it. The petitioners have submitted a representation before the concerned authority on 11th April, 2025 alleging unauthorized construction being raised by the private respondents. The representation is yet to be considered.

In view of the above, the Pradhan, Satilapur Gram Panchayat, being the 8th respondent herein, is directed to consider and dispose of the representation within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, 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 respondents is found to be illegal/unauthorized, the concerned authority shall take necessary steps in accordance with law.

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.)