

20.03.2026
rc/ct.no.15
Item No.09

WPA No. 20116 of 2025
Sabur Ali Gazi & Anr.
Versus
The State of West Bengal & Ors.

Mr. Shahan Shah
Ms. Iqra Rahaman
Mr. Md. Shahjahan ..for the petitioners

Mr. Vimal Kumar Shahi
Ms. Susmita Chatterjee ..for the State

Mr. Anirban Mitra
Mr. Amit Halder
Ms. Madhumita Sadhukhan
...for the respondent nos. 7 to 11

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 private respondents have been raising construction in the plot in question under the Bangla Awas Yojana Scheme. Though the scheme permits construction in a maximum area of 271 sq. ft., the construction raised by the private respondents covers about 900 sq. ft. area. The petitioners submitted a representation before the concerned authority in this regard on July 07, 2025 which is yet to be considered. The petitioners seek consideration of the same.

Opposing such allegation learned counsel for the private respondents submits that the private respondents filed a civil suit against the petitioners wherein the learned

trial Court granted an order of ad interim injunction in their favour restraining the petitioners herein from disturbing, dispossessing, transferring, changing the nature and character of the property in question. The private respondents applied for implementation of the order with police assistance before this Court in WPA No. 14921 of 2025. The prayer was turned down by a coordinate Bench of this Court by an order passed on July 25, 2025 which was assailed by the private respondents before an Hon'ble Division Bench of this Court. By order passed in FMA No. 1461 of 2025 on January 05, 2026, the Hon'ble Division Bench directed the police authority to act in accordance with law keeping in view the order passed by the learned trial Court.

Since the petitioners allege that the construction raised by the private respondents is in excess of the sanctioned plan granted to them under the Bangla Awas Yojana Scheme and also, since the representation before the concerned Pradhan is pending, this Court directs the Pradhan, Pifa Gram Panchayat, being the 4th respondent herein, to consider and dispose of the representation within four 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.

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)