

03
20.03.2026
Ct. No.15
b.das

WPA 21121 of 2025

Jayanta Das
Vs.
The State of W. B. & Ors.

Mr. Arani Bhattacharyya
Mr. Tirthankar Murmu
Mr. Iman Dey Tapader ...for the petitioner.

Mr. Rajarshi Basu
Mr. K. M. Hossain ...for the State.

Mr. Uday Sankar Chattopadhyay
Ms. Aiswarya Datta ...for the private respondent.

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

None appears for the Panchayat despite service.

Learned counsel for the petitioner submits that the private respondents have raised a boundary wall along with two gates by encroaching upon the east side of his property which was left vacant for the purpose of maintenance. The said construction is obstructing the free air and light of the petitioner as well as his egress and ingress. The petitioner submitted a representation before the concerned Panchayat in this regard, pursuant to which hearing was held by the authority, but no order has been passed till date and the representation is still pending.

Learned counsel for the private respondents submits that in terms of Rule 19 of the West Bengal (Gram Panchayat Administration) Rules, 2004, no sanction is

required for raising a boundary wall. Learned counsel also submits that the private respondents have filed a suit against the petitioner for injunction which is pending. It is a fact that no interim injunction has been granted by the learned Trial Court.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the allegation of alleged encroachment of the petitioner's plot by the private respondents shall be dealt with by the learned Trial Court. Since the representation submitted by the petitioner is yet to be disposed of by the concerned Panchayat which has taken up the issue for consideration, the Pradhan, Ajhapur Gram Panchayat, being the 9th respondent herein, is directed to dispose of the representation by a speaking order within two weeks from the date of communication of this order, 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.

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.)