

02.04.2026
rc/ct.no.15
Item No.34

WPA No. 21347 of 2025
Achinta Mallick
Versus
The State of West Bengal & Ors.

Mr. Tanmay Chowdhury
Mrs. Ritoprita Ghosh ..for the petitioner

Mr. Biswajit Dey
Ms. Subhasri Chatterjee ..for the State

Mr. Suddhadev Adak
Mrs. Arpita Mondal
Ms. Richa Pramanik
Ms. Mousumi Pal ...for the private respondent

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

None appears for the Panchayat despite service.

It is not in dispute that the petitioner and the private respondent are full blood brothers/co-sharers in respect of the plot in question. The petitioner alleges that the private respondent has raised construction in the petitioner's portion of the joint undivided property by obtaining sanction from the Panchayat illegally. The petitioner seeks to submit a comprehensive representation ventilating his grievance before the Panchayat and seeks a direction upon the Panchayat to consider the same.

Learned counsel for the State takes this Court to a demand notice annexed to the writ petition which does not pertain to the plots stated in the writ petition.

Learned counsel for the private respondent submits that the construction raised in the plot in question is an old one. Some of the co-sharers have transferred their shares in favour of the private respondent by virtue of a deed of gift. No new construction is being raised in the plot.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the demand notice annexed to the writ petition does not pertain to the plot in question, the same may be ignored.

On prayer of the petitioner, liberty is granted to submit a comprehensive representation ventilating his grievance before the Pradhan, Hajipur Gram Panchayat, being the 6th respondent herein within 7 days from date. The 6th respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof upon granting reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, 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 respondent is found to be without sanctioned plan or upon obtaining a sanctioned plan illegally without consent of the other co-sharers, 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)