

WPA 22672 of 2025
(Md. Enamul Hoque @ Haque vs. State of West Bengal & Ors.)

Mr. Rabi Sankar Chattopadhyay
Mr. Anindya Sundar Das
Ms. Paramita Mondal
Mr. Suman Hlader
Ms. Sushama Hansda

.... For the Petitioner

Usof Ali Dewan
Mr. Arup Sarkar
Mehedi Masud

.... For the Respondent nos.6 to 15

Supplementary affidavit filed by the petitioner is taken on record.

The petitioner and the private respondents are admittedly co-sharers in respect of the plots in question. A partition suit is pending between them. The petitioner alleges that the private respondents have raised construction in some of the plots without obtaining sanction from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on 20th August, 2025 and seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the private respondents have been residing in the plots in question for the last 35 years by raising construction therein. The petitioner is also residing in the same plot.

It appears that in the partition suit pending between the parties, learned trial Court has granted an

order of injunction in the form of status quo upon both the parties. In the event the petitioner alleges violation of the said order, he is at liberty to approach the learned trial Court for redressal of his grievance.

The Pradhan, Debipur Gram Panchayat, being the 5th respondent herein is directed to consider and dispose of the representation submitted by the petitioner dated 20th August, 2025 within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioner 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 any new/fresh construction is found to have been raised illegally/unauthorisedly in the plots in question, the concerned authority shall take necessary steps, in accordance with law.

It is made clear that the 5th respondent shall only deal with the issue of alleged unauthorised construction in the plots in question.

The dispute with regard to the alleged encroachment of the plots, if any, shall be dealt with by the learned trial Court in the pending suit.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities

(Suvra Ghosh, J.)