

April 9, 2026
(37) ARDR

WPA 23393 of 2024

Nirad Ranjan Maity
Vs.
The State of West Bengal & ors.

Adv. Usha Maity,
Adv. Sukanta Das,

...for the petitioner.

Adv. D. K. Adhikari,
Adv. Debdip Adhikari,
Adv. Kousik Sahoo,

...for the respondent no.11.

Adv. Santanu Kumar Mitra,
Adv. Anandamoyi Ghosh,

...for the State.

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

The petitioner alleges that the private respondents are raising construction in the plot in question without obtaining any sanctioned plan from the concerned Panchayat. An earlier representation submitted by the petitioner has been considered by the Pradhan, Basudebpur Gram Panchayat on 29th September, 2024. The order does not deal with the issue of unauthorised construction without sanctioned building plan. A subsequent complaint was lodged before the concerned authority on 18th July, 2025 which was dealt with by the Sub Divisional Magistrate, Egra. By an order passed on 12th August, 2025, the learned Sub Divisional Magistrate has directed the Block Land & Land Reforms Officer, Egra II to arrange for demarcation of the plot in question. The learned Magistrate further directed the parties to maintain status quo and not disturb the peace and tranquility in the area. The issue of unauthorised construction without

obtaining sanctioned plan was not dealt with in the said order also. The petitioner seeks to submit a fresh representation before the concerned authority in respect of the unauthorised construction allegedly raised by the private respondents and seeks a direction upon the authority for consideration of the same.

Learned counsel for the private respondents submits that no such construction has been raised by the private respondents in the plot in question. The private respondents are owners of a portion of the plot by virtue of inheritance from their father.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the issue of alleged unauthorised construction raised by the private respondents without obtaining sanction from the Panchayat has not been dealt with by any of the authorities earlier, the petitioner shall submit a representation in this regard before the Pradhan, Basudebpur 8 Anchal Panchayat, being the 7th respondent herein within a fortnight from date. The 7th respondent is directed to consider and dispose of the representation within four weeks from the date of receipt thereof 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 the construction allegedly raised by the private respondents is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)