

29.06.2026
rc/ct.no.15
Item No.71

WPA No. 24592 of 2025
Nasirul Hoque Middya
Versus
The State of West Bengal & Ors.

Mrs. Poulami Chakraborty ..for the petitioner

Mr. Niladri Sekhar Ghosh
Ms. Laboni Sikder
Mr. Souvik Dey ...for the respondent no. 10

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State

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

The Panchayat is not represented despite service.

Learned counsel for the petitioner submits that the private respondent has raised unauthorized construction without obtaining sanction from the concerned Panchayat by encroaching upon a portion of his property. The petitioner submitted a representation in this regard before the concerned authority on September 16, 2025 and seeks consideration of the same.

Learned counsel for the private respondent denies and disputes the allegation raised by the petitioner.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the allegation of encroachment of the petitioner's land by the private respondent shall be dealt with by the appropriate

civil forum. The petitioner is at liberty to approach the said forum for redressal of his grievance.

With regard to the allegation of unauthorized construction raised by the private respondent without obtaining sanction from the concerned Panchayat, the Pradhan, Thakuranichak Gram Panchayat, being the 9th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated September 16, 2025 within four weeks from the date of communication of this order 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 illegal/unauthorised, 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)