

02.04.2026
rc/ct.no.15
Item No.49

WPA No. 25235 of 2024
Anindita Mukherjee
Versus
The State of West Bengal & Ors.

Mr. Souri Ghosal
Mr. Prasayan Mukherjee ..for the petitioner

Mr. Himadir Sikhar Chakraborty
Mrs. Susnita Saha ..for the State

Mr. Mukteswar Maity
Mrs. Manika Sarkar ...for the respondent no. 5

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 respondent has purchased a portion of an undivided property of which the petitioner is a co-sharer. He has raised unauthorized construction therein without obtaining sanctioned plan and without conversion of the property. The petitioner submitted a representation in this regard before the concerned authority on August 14, 2024 which is yet to be considered. The petitioner seeks consideration of the same.

Learned counsel for the private respondent submits that the private respondent has purchased a separate demarcated property in 2021 and the petitioner is not a co-sharer thereof. He has raised construction in the said plot upon obtaining sanctioned plan from the Panchayat.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the representation submitted by the petitioner before the concerned authority is pending, the Pradhan, Andharthole Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the same 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 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/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)