

WPA 25881 of 2025
Premtosh Bera & Ors.
Vs.
State of West Bengal & Ors.

Mr. Om Faruk Gazi,
Ms. Susmita Das

...for the Petitioners

Mr. Naren Ghosh Dastidar

...for the State

It is the grievance of the petitioners that respondent nos. 7 and 8 have undertaken unauthorised construction on L.R./R.S. Dag No. 1691, J.L. No. 76, Mouza-Islampur, P.S.-Jatballavpur, District Howrah. The petitioners claim ownership over the said land.

Learned counsel appearing for the petitioners submits that the petitioners have instituted a title suit, being Title Suit No. 267 of 2025, before the learned Civil Judge (Junior Division), 7th Court at Howrah, and have obtained an order of injunction dated February 20, 2025, restraining respondent nos. 7 and 8 from changing the nature, character, and possession of the property in question.

Despite the subsistence of the said order, respondent nos. 7 and 8 are allegedly continuing with the construction work. It is further submitted that the petitioners made a representation before the Panchayat Pradhan, Islampur Gram Panchayat, on October 7, 2025, alleging, inter alia, that the construction was being carried out without

obtaining any permission from the Panchayat Authority.

Learned counsel for the petitioners contends that notwithstanding such representation, no steps have been taken by the concerned Panchayat Pradhan. From the photographs annexed to the writ petition, it appears that the petitioners approached this Court with due promptitude, as the construction was midway at the time of filing of the writ petition.

Accordingly, the Panchayat Authority ought to have taken necessary steps in accordance with law upon receipt of the representation made by the petitioners. This is not a case where the petitioners have sought to raise the issue of unauthorised construction after completion of the construction work.

Let the affidavit of service filed by the petitioners be kept with record.

Respondent nos.7 & 8 are not represented.

In view of the aforesaid, the writ petition is disposed of with a direction upon the Panchayat Pradhan, respondent no. 3, to consider and decide the representation of the petitioners dated October 7, 2025, in accordance with law. If it is found that the construction has been carried out without obtaining any permission from the Panchayat Authority, the Panchayat Pradhan, Islampur Gram

Panchayat, shall take necessary steps in terms of Section 23(5) of the West Bengal Panchayat Act, 1973, within a period of two weeks from the date of communication of this order.

Accordingly, **WPA 25881 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)