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jdt. 07.05.2026
jb.

WPA 26360 of 2024
(Akhtarul Islam @ Akhratul Hossain vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty
.... For the Petitioner
Mr. Jayanta Kr. Mondal
Mr. Sayantan Rakshit
.... For the Respondent no. 7

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

The Panchayat is not represented despite service.

The petitioner and the private respondents are co-sharers in respect of the plot in question. A partition suit is pending between them. The petitioner alleges that despite an order of injunction in the form of status quo passed by the learned trial Court upon both the parties in respect of the plot in question, the private respondents are raising unauthorised construction therein without obtaining any sanctioned plan from the concerned Panchayat and in violation of the order of the learned trial Court. The petitioner submitted a representation in this regard before the concerned Panchayat on 22nd March, 2024 and seeks consideration of the same.

Learned counsel for the 7th respondent denies and disputes the allegations made by the petitioner.

I have considered the rival contention of the parties.

The issue of violation of the order of status quo granted by the learned trial Court shall be dealt with by learned trial Court in accordance with law. Since the petitioner alleges that the private respondents are raising construction in the plot in question without sanctioned building plan and also as the representation submitted by the petitioner in this regard is pending, the Pradhan, Sekhalipur 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 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 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.)