

02.2.2026
Ct. no.15
ML.12
Samarpita

WPA 27271 of 2025

**RabiulSk
VS
State of West Bengal &Ors.**

Mr. Anindya Bose,
Mr. Golam Mohiuddin,
Mr. Mridul Biswas,
Ms. Raina Das,
Mr.Md. Kaif Hossain
... for the Petitioner

Mr. Ranjan Saha,
Mr. Debasish Bhattacharya
... for the State Respondents
Md. Habibur Rahman,
Md. Ali Hasan
... for the Private Respondent No. 10

The petitioner alleges that Respondent No. 10 has undertaken unauthorized construction on L.R. Plot No. 1246, J.L. No. 031, Mouza: Gangadda, Sagardighi Block, District Murshidabad.

Relying upon the record of rights of the relevant land, as appearing at “page-34” of the writ petition, it is submitted that the said plot has been classified as “Aman,” and without altering the classification of the land, a building is being constructed by Respondent No. 10 on the said land.

Respondent No. 10 was directed to file an affidavit in response to the allegations made in the writ petition by an order dated January 20, 2026. However, the learned

advocate appearing for Respondent No. 10 failed to file the affidavit.

From the photographs produced before this Court by the petitioner, it appears that the construction is in progress. It further appears that the petitioner made a representation before the Pradhan, Moregram Gram Panchayat, by a letter dated September 2, 2025, seeking demolition of the alleged unauthorized construction.

The petitioner also places reliance upon Rule 26 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, which prohibits construction of a building on land otherwise classified as homestead land.

In my view, the Pradhan, Moregram Gram Panchayat, Respondent No. 8, ought to have considered the said representation in accordance with law.

Accordingly, this writ petition is disposed of with a direction upon the Pradhan, Moregram Gram Panchayat, Respondent No. 8, to consider the petitioner's representation dated September 2, 2025, appearing at "page-38" of the writ petition, within a period of seven days from the communication of this order.

If it is found that any unauthorized construction has been undertaken on the relevant plot of land, the Pradhan shall take steps in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973, by referring the matter

to the concerned Sub-Divisional Officer. In that event, the Pradhan shall also issue a stop-work notice to Respondent No. 10, restraining him from undertaking any further construction on the plot of land until the matter is considered by the Sub-Divisional Officer in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

Accordingly, **WPA 27271 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)