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jdt. 06.04.2026
jb.

WPA 27723 of 2024
(Bholanath Malik vs. State of West Bengal & Ors.)

Mr. Biswajit De
Mr. Panchanan Hajra
Mr. Subhasis De
.... For the Petitioner
Mr. Himadri Sekhar Charkaborty
Ms. Susmita Saha
.... For the State

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

None appears for the Panchayat and the private respondents despite service.

Learned counsel for the petitioner submits that the predecessor in interest of the private respondents was a bargadar under the petitioner in the land in question owned by him. After demise of the said bargadar, the private respondents have raised a construction in the said agricultural land without obtaining any sanction from the concerned Panchayat. The petitioner submitted a representation before the concerned authority in this regard on 14th September, 2024 which is yet to be considered. The petitioner seeks consideration of the same.

It appears from the report submitted by the State that construction has been raised in the plot in question which is no longer used for agricultural

purpose. The owner of the plot in question has not raised the said construction.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since it prima facie appears that construction has been raised on the agricultural land and the petitioner alleges that the nature of the land has neither been converted, nor any sanction taken from the concerned Panchayat for construction, the Pradhan, Malaypur-2 Gram Panchayat, being the 7th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner on 14th September, 2024 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 raised by the private respondents is found to be unauthorised/illegal, 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.)