

07.01.2026.
Item No. 5.
Court No. 13
pk

MAT No. 2094 of 2025

**Pulin Samanta
Versus
The State of West Bengal & Ors.**

Mr. M. A. Samad,
Mr. Priyanka Sharma,
Mr. Taher Ahamad

...For the appellant.

Mr. Swapan Kumar Dutta,
Mr. Biplab Guha,
Mr. Sudip Kumar Maiti

...For the State.

Mr. Amal Krishna Samanta,
Mr. Arun Kumar Das

... For the respondent no. 6.

Mr. Tanoy Chakraborty,
Mr. Chhandak Dutta

... for the private respondent no. 7.

1. The appeal is directed against an order dated 11.11.2025 passed in WPA 15320 of 2025. The writ petitioner claims that the private respondent has encroached upon the petitioner's property and has made a construction. The private respondent contends that he is a co-sharer in the said property and the construction is very old.

2. A civil suit between the parties filed by the appellant/writ petitioner has since been dismissed for default. The Single Judge has merely called for affidavits from the respondent no. 7.

3. This Court is of the view that the appeal can be disposed of directing the Panchayat authorities to indicate by way of affidavit and/or report to the Single

Bench as to the age of the construction made on the property.

4. Let such report and affidavit by all the respondents be filed within a period of three weeks from date.

5. The petitioner may take exception or file reply to the affidavit filed by the respondents within a week thereafter.

6. Parties are at liberty to mention the writ petition before the Single Bench for early hearing subject to the Bench's business permitting.

7. Since no affidavit has been used by the respondents, the allegations made in the stay application shall not be deemed to have been admitted by them.

8. With the aforesaid observations, the instant appeal is disposed of. Consequently connected pending application is also disposed of.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

