

Item 106
30.06.2026
Court. No. 12
Cp

MAT 2241 of 2025
With
CAN 1 of 2025

Swapan Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
Mr. Amit Ranjan Pati
Ms. Swastika Choudhury
Mr. Avijit Chatterjee
Ms. I. Nag
Mr. Sourav Gupta

...for the appellant.

1. Affidavit of service is taken on record.
2. Despite service, none appears on behalf any of the respondents.
3. The appellant is aggrieved by the order dated December 9, 2025, passed in WPA 25480 of 2025. By the order impugned, the writ petition was dismissed, with liberty to the appellant to approach the civil court by filing an appropriate application. The appellant submits that the learned Judge did not take into consideration the specific allegation that, an unauthorized construction had been raised over L.R. Plot No.284 , which was classified as 'Jal'. The specific allegation was that, upon filling up of the water body, a construction had been raised on the said plot, by the respondent no. 6.
4. It is submitted that the civil court was not the proper forum for adjudication of the issue of unauthorized

construction. The civil court could not initiate proceedings for demolition. The gram panchayat ought to have been directed to look into the complaint of the appellant, and take steps.

5. We find from the order impugned, that the learned Judge has only considered the submissions of the respondent no. 6, with regard to the construction on Plot No.224. Even if a partition suit is pending between the parties, the allegation of raising an unauthorized construction on a water body without due conversion, has to be looked into by the panchayat authorities and the Block Land and Land Reforms Officer. Steps are to be taken in respect of the said construction, if it is found that the allegation is correct.
6. Under such circumstances, the order impugned is set aside.
7. The appellant shall file a proper representation before the concerned gram panchayat with a copy to the respondent no. 6, within two weeks from date. If the same is filed within the specified period, the competent authority of the Radhamohanpur Gram Panchayat shall consider and dispose of the representation of the appellant in accordance with law and independently.
8. While doing so, the following procedure shall be adopted:-
 - a. An inspection shall be held in the presence of the appellant and the respondent no. 6. Advance notice of such inspection shall be served upon the appellant and the respondent no. 6 and on all other

interested parties. If the parties are not available to such accept notice, the same shall be affixed at a conspicuous place at the premises.

- b. A report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if detected.
- c. Such report shall be handed over to the parties.
- d. A hearing shall be given to the appellant and the respondent no. 6. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority. All points raised by either party, will be decided.
- e. A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during the inspection, the proceedings shall be reached to its logical conclusion in terms of Section 23(5) of the West Bengal Panchayat Act
- f. The entire exercise shall be completed within a period of four months from the date of receipt of the representation.
- g. The question of title, possession and boundary etc. shall not be decided by the panchayat authorities. The only question to be decided by the panchayat authorities, would be, whether the construction has been made without any permission and/or in violation of the building rules and the relevant laws.

- h. A server copy of this order be served upon the concerned gram panchayat for necessary compliance of this order.
- i. Accordingly, the appeal and the connected application are disposed of. We have not gone into the merits of the claim and counter claim of the parties.
- j. However, there will be no order as to costs.
- k. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Smita Das De, J.)