

23.03.2026

Ct. No. 5
Sl. No.27
akd

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 399 of 2026

[Dhiraj Roy -Vs- The State of West Bengal & Ors.]

Mr. Debajit Kundu

... .. for the petitioner

1. Despite service, none appears on behalf of the Pradhan, Moulani Gram Panchayat (respondent no.5). Affidavit-of-service filed in court today is taken on record.

2. The petitioner has preferred the present writ petition alleging inaction on the part of the respondent authorities in not taking any steps to stop the alleged illegal and unauthorized construction being carried out over the petitioner's land measuring about 1.37 acres under Mouza – Dakshin Matiali, comprising JL Nos. 105, LR Plot Nos. 1319/2306, 676, 677, 678, 679, 680 and 1317 in Khatian No. 125/3 under Malbazar Police Station, Dist. Jalpaiguri.

3. It is the case of the petitioner that he is a senior citizen and the owner of the aforesaid plots of land. It is submitted that the private respondent no.6 has encroached upon the portion of the petitioner's land and has constructed a two-storied building thereon without obtaining any permission from the competent authority. It is further submitted that the petitioner had submitted several representations before the respondent authorities including the representation dated 03.11.2025 requesting them to take necessary action in accordance with law and to stop the alleged illegal and unauthorized construction. However, according to the

petitioner, no effective steps have been taken by the respondent authorities till date.

4. Learned Advocate for the petitioner submits that the Pradhan, Moulani Gram Panchayat (respondent no.5) would be the appropriate authority to decide the representation of the petitioner dated 03.11.2025.

5. Considering the submissions made on behalf of the petitioner and after perusing the materials placed on record and also without entering into the merits of the claim of the petitioner, this Court directs the Pradhan, Moulani Gram Panchayat (respondent no.5) to consider and dispose of the petitioner's representation dated 03.11.2025 along with any subsequent representation in accordance with law and in terms of the relevant rules, by passing a reasoned and speaking order within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner, private respondent no.6 and all concerned parties.

6. Needless to mention that this Court has not expressed any opinion on the merits of the claim of the petitioner and all issues are left open to be decided by the competent authority in accordance with law.

7. With the aforesaid directions, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)