

Item No.41
11.02.2026
Court. No. 6
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1689 of 2025

Seema Maiya
Vs.
The State of West Bengal & Ors.

*Mr. Deborshi Dhar,
Ms. Taniya Bhowmik*

...for the Petitioner.

*Mr. Pretom das,
Mr. Sumit Kumar*

...for the State.

1. Despite service, none appears either on behalf of the Pradhan, Champasari Gram Panchayat or on behalf of the respondent no.10.
2. The petitioner alleges that the respondent no.10 has made certain unauthorized constructions on R.S. Plot No.37 corresponding to L.R. Plot No.121, within Mouza- Malahar, Police Station – Pradhan Nagar, District – Darjeeling. The petitioner claims to be the owner of the said land.
3. Upon considering the records, this Court is of the view that the respondents are not equipped to decide the title of the land. Thus, the claim of the petitioner to be the owner is inconsequential to the disposal of the writ petition. The only issue relevant of consideration is whether there is any

unauthorized construction on the said land by the respondent no.10.

4. Under such circumstances, the writ petition is disposed of with a direction upon the concerned Gram Panchayat to dispose of the complaint of the petitioner that, the respondent no.10 had raised a construction without any sanction/permission from the concerned Gram Panchayat.
5. While deciding the matter, the records of the Gram Panchayat will be consulted and verified in order to ascertain whether in any meeting of the Gram Panchayat, a decision was taken to permit construction by the respondent no.10 on L.R. Plot No.121 of Mouza – Malahar or not. If the records reveal that the said construction is without any permission, steps shall be taken in terms of Section 23 of the West Bengal Panchayat Act, 1973. Before any order is passed, an inspection will be held in presence of the parties and a hearing shall be granted to all the parties. In the event the construction is illegal and/or unauthorized the same shall be demolished as per section 23(5) of the West Bengal Panchayat Act, 1973.
6. The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

7. It is needless to mention that, if the inspection of the premises is held, the same shall be held in presence of the petitioner as well as the respondent no.10 upon giving 48 hours advance notice to the respective parties.
8. Accordingly, the writ petition is disposed of.
9. There shall be no order as to costs.
10. The parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)