

March 23, 2026
(50) ARDR

WPA 4515 of 2026

Sefali Mondal & ors.

Vs.

The State of West Bengal & ors.

Adv. Renesa Dey,

...for the petitioners.

Adv. Susovan Sengupta,

Adv. Arun Kr. Saha

...for the State.

Affidavit of service filed by the petitioners is taken on record.

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

The petitioners allege unauthorised construction being raised by the private respondent by filling up water body without conversion of the land and also without obtaining sanctioned plan. The petitioners and the private respondent are admittedly cosharers in respect of the property. A partition suit is pending. The learned trial Court has granted an order of status quo upon both the parties in respect of the nature, character and possession of the property till disposal of the suit. Alleging violation of the order of status quo by the private respondent, the petitioners approached this Court on two earlier occasions in WP 19246 (W) of 2019 and WPA 690 of 2025. This Court directed the police authority to ensure that no further construction was raised in the property and also granted

liberty to the petitioners to approach the appropriate authority for violation of the said order.

The petitioners have submitted a representation before the concerned authority on 12th June, 2025 alleging unauthorised construction by the private respondent, which is yet to be considered. The petitioners seek consideration of the same.

Upon consideration of the submission made on behalf of the parties, it appears that the allegation of the petitioners is that the private respondent is raising construction in the property in question in violation of the order of the civil Court as well as without obtaining sanctioned plan from the concerned authority. The issue of alleged violation of the order of the learned civil Court shall be dealt with by the learned civil Court. Since the petitioners allege that the private respondent is raising construction in the plot in question by filling up water body and without sanctioned plan from the appropriate authority, the Pradhan, No.8 Sabang Gram Panchayat, being the 6th respondent herein, is directed to consider and dispose of the representation submitted by the petitioners in this regard on 12th June, 2025 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondent, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

In the event the construction raised by the private respondent is found to be unauthorised in terms of the West Bengal Panchayat Act, the concerned authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)