

May 15, 2026
(43) ARDR

WPA 10198 of 2025

Soma Kapari Hait
Vs.
The State of West Bengal & ors.

Adv. Ipsita Ghosh,
...for the petitioner.
Adv. Amitava Chowdhury,
...for the respondent nos. 5 to 9.

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

The State and the Panchayat are not represented despite service.

Learned counsel for the petitioner submits that the private respondents are raising unauthorised construction by filling up the pond in the plot without conversion of the same. The petitioner claims to be a coowner in respect of the plot in question which is recorded as pukur and pukurpar.

The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and seeks consideration of the same.

Opposing such prayer, learned counsel for the private respondents submits that though the plot is recorded as pond in the record of rights, the pond has been filled up and does not exist at present. The private respondents are constructing a temple in the said plot with the consent of the other coowners except the petitioner. the petitioner has a shop room on PWD road adjoining the said construction and intend to encroach upon the portion of

the land where the temple is being constructed. An earlier suit filed between the petitioner the other coowners and the private respondents was amicably settled. The petitioner has thereafter filed another Title Suit against the private respondents which is pending. The 5th respondent is also a coowner in respect of the property by virtue of a registered deed of sale.

I have considered the rival submission of the parties. The contention of the private respondents is not very relevant to the present writ petition. In fact the private respondents have admitted that the plot in question is recorded as pukur though the pond does not exist at present. Since the petitioner alleges unauthorised construction being raised by the private respondents on the said water body without conversion of the land and without obtaining sanction from the concerned Panchayat, she is at liberty to submit a comprehensive representation ventilating her grievance before the Pradhan, Bagnan 2 Gram Panchayat, being the 3rd respondent herein, within a week from date. The 3rd respondent is directed to consider and dispose of the same within six weeks from the date of receipt thereof upon granting reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

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

In the event the construction raised by the private respondents is found to be illegal/unauthorised, 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.)