May 19, 2026
(11) ARDR

WPA 10998 of 2026

Pradip Kumar Mandal & ors.
Vs.
The State of West Bengal & ors.

Adv. Salil Kumar Maiti,
Adv. Dolan Samanta,
...for the petitioners.
Adv. Lakshminath Bhattacharjee,
...for the respondent nos. 9 and 10.

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

The State and the Panchayat are not represented despite service.

Learned counsel for the petitioners submits that the private respondents have raised unauthorised construction by encroaching upon their land which is recorded as 'jal' without conversion of the same and without obtaining sanction from the concerned Panchayat. The petitioners submitted a representation in this regard before the concerned authority on 23rd March, 2026 which is yet to be considered. The petitioners seek consideration of the same.

Learned counsel for the private respondents denies and disputes the allegation raised by the petitioners.

The allegation of the petitioner with regard to encroachment of their land by the private respondents shall be dealt with by the appropriate civil forum. The petitioners are at liberty to approach the said forum for redressal of their grievance. Insofar as the allegation of unauthorised construction is concerned, the Pradhan, Kotbar Gram Panchayat, being the 4th respondent herein,

is directed to consider and dispose of the representation submitted by the petitioner dated 23rd March, 2026 within six weeks from the date of communication of this order 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.)