

13.08.2026
rc/ct.no.15
Item No.45

WPA No. 15759 of 2026
Samar Malik & Ors.
Versus
The State of West Bengal & Ors.

Adv. Sima Adhikari
Adv. Abhijit Ghosh ..for the petitioners

Adv. Rudraman Bhattaharyya
Adv. Sreyanshi Majumdar ...for the State

Adv. Sarbananda Sanyal
Adv. Samrat Chakraborty
...for the private respondents

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

The Panchayat is not represented despite service.

The petitioner alleges that the private respondents are raising unauthorized construction without obtaining sanction from the concerned Panchayat and in violation of the order of status quo passed by the learned civil Court in the civil suit pending between the parties. The petitioner submitted a representation in this regard before the concerned authority on May 25, 2026 which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the respondent nos. 9, 10 and 11 submits that the plot in question belongs to respondent nos. 9 and 10 who have raised a boundary wall in the said plot. No further

construction is being raised therein. Also, the 11th respondent has no nexus with the said plot.

Learned counsel for the State submits that pursuant to the representation submitted by the petitioner, date of hearing was fixed by the Pradhan of the concerned Panchayat on July 31, 2026. Hearing was held on that date. The matter is pending for further consideration.

In view of the above, the Pradhan, Raghudevapur Gram Panchayat, being the 6th respondent herein, is directed to conclude the hearing and take a reasoned decision within four 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 disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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)