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jdt. 07.04.2026
jb.

WPA 16195 of 2024
(Barun Kr. Maji vs. State of West Bengal & Ors.)

Mr. Satyendra Agarwal
Mr. Tarak Nath Sarkar
Mr. Bijoy Bag
Mr. Goutam Malik
.... **For the Petitioner**
Mr. Malay Kr. Singh
Ms. Neelam Singh
.... **For the State**
M.A. Samad
Taher Ahmed
.... **For the Respondent no. 12**

On prayer of the petitioner liberty is granted to implead the Block Development Officer, Daspur, Paschim Medinipur as 13th respondent in the writ petition. The cause title of the writ petition be amended accordingly. Since the State is represented, service of notice upon the added respondent is dispensed with.

The petitioner alleges that the private respondent has been raising construction in deviation of the sanctioned plan granted to him by the concerned Panchayat and has encroached upon a portion of the Panchayat road which is used by the public at large. Learned counsel takes this Court to the observation made by the Upa Pradhan on 7th November, 2023 and 24th November, 2023 respectively which support the contention of the petitioner. The petitioner seeks to submit a comprehensive representation in this regard before the concerned authority and seeks a direction upon the authority to consider the same at the earliest.

Learned counsel for the private respondent denies and disputes the allegation raised by the petitioner and submits

that the construction in question is being raised in terms of the sanctioned plan granted by the Panchayat.

Whether the construction is being raised in deviation of the sanctioned plan shall be decided by the appropriate authority. The petitioner is at liberty to submit a comprehensive representation before the concerned authority being the 13th respondent herein, within 7 days from date. The 13th 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 respondent, 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 respondent is found to be in deviation of the sanctioned plan granted to him, the concerned authority shall take necessary steps, in accordance with law.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)