

WPA 16295 of 2025

Abu Mohammad Mallik
Vs.
The State of W.B. & Ors.

Mr. Raj Kumar Sain ...for the petitioner.

Mr. Kanailal Samanta ...for respondent no.7.

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

None appears for the State and the Panchayat despite service.

The petitioner alleges that the private respondent is raising construction by filling up the water body in the petitioner's land without obtaining sanction from the concerned Panchayat. The petitioner submitted a representation before the concerned authority in this regard on 16th June, 2025 which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the private respondent submits that the plot in question has been gifted to the private respondent long ago and no construction is being raised therein.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the issue of encroachment of the petitioner's land shall be dealt with by the appropriate civil forum. The petitioner is at liberty

to approach the said forum for redressal of his grievance. With regard to the allegation of unauthorized construction without obtaining sanction from the concerned Panchayat, since the representation submitted by the petitioner in this regard is pending, the Pradhan, Dakshin Narikelda Gram Panchayat being the 4th respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon affording 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 allegedly raised by the private respondent is found to be unauthorized/illegal, the concerned authority shall take necessary steps in accordance with law.

The writ petition is disposed of accordingly.

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.)