

WPA 77 of 2026

Faijul Haque Molla
Vs.
The State of W. B. & Ors.

Mr. Lakshminath Bhattachartya
Mr. Arpan Kr. Bairagi ...for the petitioner.

Mr. Manas Kr. Sadhu ...for the State.

Mr. Chitta Ranjan Chakraborty
Ms. Puspa Rani Jaiswara
...for the private respondent.

Learned counsel for the petitioner submits that the private respondents are raising illegal construction in the plot owned by the petitioner recorded as 'Sali' without obtaining any sanctioned plan from the concerned Panchayat. The petitioner submitted a representation before the concerned authority on 29th October, 2025 which is yet to be considered. The petitioner seeks consideration of the same.

Denying such allegation, learned counsel for the private respondents submits that the construction has been raised prior to 1978 and as such, the Building Rules shall not be applicable to the said construction.

The petitioner denies such contention.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the representation submitted before the concerned authority is pending, the Pradhan, Ramkrishnapur Gram Panchayat,

being the 9th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner 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 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/unauthorized, 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.)