

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

19.03.2026
Sl. No.7
tkm

W. P. A. 279 of 2026

[Nirmal Chandra Dey -Vs- State of West Bengal & Ors.]

Ms. Bedashruti Bose
Mr. Subham Chanda
Ms. Mrinmoyee Das
Ms. D Datta

... .. for the petitioner

Mr. Hirak Barman
Mr. Bikash Singha

... for the State

1. The affidavit of service is taken on record.
2. Despite service, none appears for the respondent no. 6.
3. The petitioner has preferred the present petition being aggrieved by the alleged inaction on the part of the respondent authority in not taking any steps against the purported unauthorized and illegal construction carried by the private respondent at Mouja Guriahati, LR plot no. 5162, JL 126, LR Khatian 4211.
4. Learned counsel for the petitioner alleges that the private respondent has raised a two-storied building on land adjacent to the petitioner's property by encroaching upon a portion of petitioner's land and has carried out such illegal and unauthorized

construction without obtaining any sanctioned building plan and without maintaining the requisite setback in terms of the West Bengal Garm Panchayet Rule 2004 particularly Rule 24(1). It is further alleged that the private respondent no, 9 has constructed the building in question without sanction and/or in gross deviation therefrom, inasmuch as the mandatory open space of 4 ft. on all sides of the structure has not been maintained as required under law. The petitioner has lodged a complaint before the Pradhan dated 22.5.2025 and thereafter before the Block Development Officer on 16.9.2025 and 17.2.2026. However, no steps have been taken by the authority till date.

5. Being aggrieved by such inaction, the petitioner has preferred the present writ petition.
6. Having heard the learned counsel for the parties and upon perusal of materials on record this court finds that the grievance of the petitioner is primarily with regard to non-consideration of his complaint/representation submitted before the competent authority. This court is not inclined to adjudicate the disputed question of facts involved in the

present matter, particularly with regard to the allegations of encroachment and unauthorized construction. However, considering the facts that the representation of the petitioner remains unattended, this court deems it appropriate to direct the competent authority to consider the same in accordance with law.

7. Accordingly, respondent no. 6 is directed to consider and dispose of the petitioner's representation dated 22.5.2025 by passing a reasoned order strictly in accordance with law after affording an opportunity of personal hearing to the petitioner as well as the private respondent and/or any other stakeholder.
8. The said authority shall also make an inspection of the site, in question, if deemed necessary and take appropriate steps in accordance with law including action against any unauthorized construction if found, on the said property.
9. The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.
10. It is made clear that this court has not expressed any opinion on the merit of the petitioner's claim and all issues are kept open

to be decided by the competent authority in accordance with law.

11. With the above directions, the present writ petition stands disposed of.

(Gaurang Kanth, J.)