

10.06.2021
Sl. No.7
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 9718 of 2020

Prasanta Das
Vs.
The State of West Bengal & Ors.

Mr. Dipankar Pal

....for the petitioner.

Mr. Pratip Kumar Chatterjee

....for the respondent no.5.

The petitioner alleges that the respondent no.5 (private respondent) is making illegal construction on the land in Dag Nos.2204 and 2205, Khatian Nos.444, 2996, 128 and 148/1, J.L. No.137 under Mouza – Basoa, P. S. Margram, District – Birbhum. The petitioner has made a complaint to the Pradhan of Bishnupur Gram Panchayat on 12th November, 2020 sent by post, which the petitioner says to have been duly received by the Pradhan. The Pradhan, however, according to the petitioner, has taken no steps to dispose of such complaint though he is duty bound to do so under the provisions of Section 23(6) of the West Bengal Panchayat Act, 1973.

On behalf of the private respondent, it is submitted that the dispute in respect of the property-in-question sought to be raised by the petitioner is civil in nature and as such, the Pradhan has no

jurisdiction to decide the same. It is also submitted that the petitioner has to file a proper proceedings, in the event the petitioner intends to claim any right with regard to the said property.

After hearing the parties and considering the materials on record, I am of the view that the Pradhan of Bishnupur Gram Panchayat, being the respondent no.3, has to bring the representation made by the petitioner dated 12th November, 2020 into a logical conclusion. It may so happen that the Pradhan ultimately comes to the conclusion that the *inter se* dispute between the petitioner and the respondent no.5 is a civil dispute but that does not absolve the Pradhan from deciding the petitioner's representation/complaint.

The respondent no.3 is directed to dispose of the petitioner's complaint dated 12th November, 2020 within a period of four weeks from date after affording the parties an opportunity of hearing. The Pradhan shall pass a reasoned order and communicate the same to the parties within seven days from passing of such order.

The construction work that may be made by the respondent no.5, from date till disposal of the petitioner's complaint dated 12th November, 2020, shall be subject to the result of the decision that may be passed by the Pradhan in terms of this order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)