

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)**

WPA 12761 of 2024

(Asaharuddin Sk. & Anr. Vs. The State of
West Bengal & Ors.)

**Mr. Sujit Kumar Ghosh
Mr. Pataakashree Roy**

.... For the petitioners

**Mr. Santanu Kumar Mitra
Mr. Sabnam De Bardhan
Mr. Asish Kumar Dutta**

.... For the State respondents

Ms. Dipanwita Ganguly

.... For the respondent no. 4

1.
2.

This writ petition has been filed by the petitioners under Article 226 of the Constitution of India seeking for a direction upon the respondent no. 4 to inspect and investigate into the allegations of illegal construction by the private respondent in respect of land comprised within Mouza – Hijal, J. L. No. 41, Khatian No. 22398, 22399, L.R. Dag No. 663, Kandi, Murshidabad.

Mr. Sujit Kumar Ghosh, learned advocate appearing for the petitioners submits that the private respondent nos. 6 to 7 have been carrying on illegal construction over the land in question. For such reason petitioners made a representation before the Pradhan, Hizole Gram Panchayat, respondent no. 4. Since no steps have been taken, he seeks for appropriate direction for consideration of the representation of the petitioners by the respondent no. 4.

The report filed by the State respondents is taken on record.

Mr. Santanu Kumar Mitra, learned advocate appearing for the State submits that the Inspector-in-Charge, Kandi Police Station has taken steps to maintain peace in the locality in respect of the dispute. He also indicates that upon enquiry it has been learnt that presently there is no work of construction undertaken over the disputed land. However, he fairly submits that the matter be relegated to the concerned panchayat to consider the representation of the petitioners.

Ms. Dipanwita Ganguly, learned advocate representing the respondent no. 4 submits for passing a direction for consideration of the representation.

Upon hearing the learned advocates for the respective parties the respondent no. 4, Pradhan, Hizole Gram Panchayat is directed to consider the representation of the petitioners dated 15th April, 2024 and dispose of the same by a reasoned order within a period of 4 (four) weeks from date of communication of this order after giving an opportunity of hearing to all concerned.

Learned advocate for the petitioners is directed to communicate this order to the respondent no. 4, Pradhan, Hizole Gram Panchayat.

Since no affidavit has been called for, the allegations made in the writ petition are not deemed to be not admitted.

The writ petition being **WPA 12761 of 2024** is disposed of.

It is made clear that the Court has not gone into the merit of the writ petition.

There shall, however, be no order as to costs.

All connected parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities

(Bivas Pattanayak, J.)