

07.05.2025
Sl. No.52(DL)
Ct. No.39
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 263 of 2024

Sabita Rani Das & Ors.

Versus

The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri,
Mr. Subrata Mukherjee,
Ms. Gopa Mainan

...for the Petitioners.

Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque

...for the State-respondents.

Affidavit of service filed on behalf of the petitioners is taken on record.

This writ petition has been filed seeking for direction upon the respondent authorities particularly respondent Nos.2 to 8 to remove unauthorised and illegal construction undertaken by the private respondents over the property comprised within Plot Nos.108, 111 and 117 under Mouza-Jaykrishnapur, P.S. Tamluk and for considering the representation of the petitioner No.2 dated 17th November, 2023 being annexure P/4.

The petitioners contend that they along with the private respondents are the co-sharers in respect of the aforesaid property-in-question. The private respondents have started unauthorised construction over the property-in-question without taking any

permission from the competent authority i.e. Padumpur-I Gram Panchayat. In reply to an application under the Right to Information Act, it has been intimated by concerned authority that no sanction plan/permission has been obtained by the private respondents. A representation was made on 17th November, 2023 before the respondent No.7, Pradhan, Padumpur-I Gram Panchayat. However, no steps have been taken. Hence, this writ petition.

Despite service, none appears on behalf of the State-respondents.

Mr. Lalit Mohan Mahata, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter with a junior of his choice. The appearance of the learned Advocates be regularised by the concerned authority.

Let a copy of the writ petition along with annexure be served upon the learned Advocate for the State-respondents.

Despite service, none appears on behalf of the respondent No.7, Pradhan, Padumpur-I Gram Panchayat as well as the private respondent Nos.9 to 11.

Mr. Bhagbat Chaudhuri, learned Advocate appearing for the petitioners submit that the matter may be relegated to the Pradhan of the concerned Gram Panchayat to cause necessary enquiry and take

steps in terms of the provisions of the West Bengal Panchayat Act.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader appearing for the State also submits for issuance of direction upon the respondent No.7, Pradhan Padumpur-I Gram Panchayat for causing enquiry and disposing of the representation submitted by petitioner No.2.

Upon hearing learned Advocates for the respective parties, respondent No.7, Pradhan, Padumpur-I Gram Panchayat is directed to consider and dispose of the representation of the petitioner No.2 dated 17th November, 2023 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners as well as private respondent Nos.9 to 11. A report of such inspection along with sketch map be prepared, which shall be handed over to the parties.
- (ii) Thereafter the parties shall be heard upon notice and representation of the petitioner No.2 dated 17th November, 2023 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders.
- (iii) On the basis of materials transpiring during inspection and hearing, the proceedings shall be taken to its logical conclusion in terms of

provisions of Section 23 of West Bengal Panchayat Act.

- (iv) The entire exercise shall be completed within a period of two months from date of communication of this order.

The learned Advocate for the petitioners is directed to communicate this order to the respondent No.7, Pradhan, Padumpur-I Gram Panchayat along with copy of the representation dated 17th November, 2023.

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

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

With the aforesaid directions, the writ petition being **WPA 263 of 2024** is disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

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

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)