

27.03.2025
Sl. No.4(DL)
Ct. No.39
srm

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

W.P.A. No. 266 of 2024

Sariful Islam

Versus

The State of West Bengal & Ors.

Md. Mokaram Hossain,
Mr. K.P. Mukhopadhyay,
Md. Rejjak Hossain,
Mr. Saluddin Ahmed

...for the Petitioner.

Md. Mansoor Alam,
Mr. Debnarayan Patra

...for the State-respondents.

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

It is found that the service upon the private
respondent No.6 is complete.

Despite service, none appears on behalf of the
respondent No.6.

This writ petition has been filed seeking direction
upon the respondent authorities for consideration of
the representation of the petitioner dated 7th
December, 2023 by respondent no.5, Pradhan,
Sagarpara Gram Panchayat.

The petitioner alleges of illegal and unauthorised
construction made by the respondent No.6 over the
land adjoining to the land of the petitioner comprising
within LR Plot No.9339, L.R. Khatian No.8025, J.L.
No.10, Mouza Sagarpara, P.S. Sagarpara, District-

Murshidabad encroaching land of the petitioner without leaving requisite side space and without valid sanctioned plan. Representations were made before the concerned authorities including the respondent No.5, Pradhan of Sagarpara Gram Panchayat, but no steps have been taken. Hence, this writ petition.

Md. Mokaram Hossain, learned advocate appearing for the petitioner submits that the respondent No.5, Pradhan, Sagarpara Gram Panchayat be directed to consider the representation of the petitioner.

On the last date, that is, 20th March, 2025, the State-respondents filed a report furnished by the Block Development Officer, Jalangi Development Block, respondent No.4 dated 4th February, 2025. It is found from such report that the private respondent No.6 could not produce any valid sanctioned plan issued by the competent authority before the concerned officer.

Md. Mansoor Alam, learned Advocate appearing for the State-respondents also submits that the matter may be relegated to respondent No.5 to consider and dispose of the representation of the petitioner dated 7th December, 2023.

In view of such submissions, the respondent No.5, Pradhan of Sagarpara Gram Panchayat shall consider and dispose of the representation of the petitioner by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners as well as private respondent No.6. 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 the representation of the petitioner shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. At the time of hearing, the respondent no.5, Pradhan should also take into consideration the report of the Block Development Officer dated 4th February, 2025.
- (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 petitioner is directed to communicate this order to respondent No.5, Pradhan of Sagarpara Gram Panchayat along with copy of the representation dated 7th December, 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 266 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.)