

28.03.2025
Sl. No. 08.
D/L.
Mithun
Ct.No.39.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
WPA 503 of 2025**

**Gopal Chandra Das & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Baidurya Ghosal,
Mr. Sourav Mukherjee,
Mr. Saikat Mukherjee,
Ms. Anupama Biswas

..for the petitioner

Mr. Raj Kumar Sain,
Mr. Sukhendu Banerjee

...for respondent no.6.

Mr. Somnath Ganguly, Ld. AGP,
Mr. Raja Ram Banerjee

...for the State

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

This writ petition has been filed for seeking
direction upon the respondent no.4, the Prodhan,
Barjora Gram Panchayat to demolish the illegal
construction of the private respondent encroaching the
land of the petitioners and for consideration of
representation sent on 14th December, 2024.

The petitioner contends that they are the owners
and occupiers of land comprised within R.S. Plot
No.1595, 1615 and 1620 under Khatian No.4200,
Mouza-Barjora, J.L. No.46, Police Station-Barjora,
District: Bankura. The petitioner has made construction

as per the sanctioned building plan of the local Gram Panchayat. On the other hand, the private respondent no.6 has made unauthorized and illegal construction over petitioner's property without obtaining permission from local Gram Panchayat and such construction of private respondent is obstructing the air and light towards the petitioner's property. A representation dated 10th December, 2024 was sent through post to respondent no.4, Prodhan, Barjora Gram Panchayat on 14th December, 2024. However, no steps has been taken. Hence, this writ petition.

Mr. Baidurya Ghosal, learned Advocate for the petitioners submits that the respondent no.4, the Prodhan, Barjora Gram Panchayat be directed to consider and dispose of the representation of the petitioner.

Mr. Raj Kumar Sain, learned Advocate for private respondent no.6 submits that the dispute is civil in nature and, hence, the writ petition should be dismissed.

Mr. Somnath Ganguly, learned Additional Government Pleader leaves the matter to the discretion of the Court.

Upon considering the submissions advanced on behalf of the parties, the respondent no.4, the Prodhan, Barjora Gram Panchayat is directed to consider and dispose of the representation of the petitioner sent on

14th December, 2024 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 petitioners sent on 14th December, 2024 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 petitioner is directed to communicate this order to respondent no.4, Prodhan, Barjora Gram Panchayat along with copy of the representation sent on 14th December, 2024.

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

Since affidavits have not been called for, the allegations made in the writ petition are deemed to be not admitted.

With the above observation, the writ petition being **WPA 503 of 2025** stands disposed of.

All connected applications, if any, stand disposed of.

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

Interim order, if any, stands vacated.

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 this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)