

28.03.2025
Sl. No.12.
D/L.
Mithun
Ct.No.39.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
WPA 696 of 2025**

**Sk. Raja
Vs.
The State of West Bengal & Ors.**

Mr. Samirul Sardar,
Mr. Anam Torab

..for the petitioner

Ms. Salma Sultana Shah,
Mr. Sani Hossain,
Mr. Miraj Hossain

...for respondent nos.9 to 10.

Mr. Lalil Mohan Mahata, Ld.AGP,
Mr. Ziaul Haque

...for the State

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

This writ petition has been filed for demolition of
the unauthorized construction undertaken by the
private respondents over the subject land.

Petitioner contends that he is the owner of the
land measuring 7 decimal comprised within L.R. Dag
No.385, L.R.Khatian No.509, Mouza Malipukur, J.L.
No.62, Police Station Chanditala, District-Hooghly by
way of a registered deed of gift. The private respondent
nos.9 and 10 have made illegal and unauthorized
construction on the petitioner's land. A representation
was made before the Pradhan, Gangadharpur Gram
Panchayat, respondent no.6 on 17th December, 2024.

However, no steps has been taken as yet. Hence, this writ petition.

Mr. Samirul Sardar, learned Advocate for the petitioner seeks that direction be issued upon respondent no.6, Pradhan, Gangadharpur Gram Panchayat to consider and dispose the representation of the petitioner.

Ms. Salma Sultana Shah, learned Advocate appearing for the private respondents submits that the work of construction has been undertaken as per the plan sanctioned by the local Gram Panchayat. He seeks for dismissal of the writ petition.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader submits that since the plan has been sanctioned, the Pradhan, Gangadharpur Gram Panchayat may be directed to enquire as to whether there is any deviation from such plan or not and take steps accordingly.

Upon considering the submissions advanced on behalf of the petitioner, respondent no.6, the Pradhan, Gangadharpur Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 17th December, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent no.9 & 10. 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 dated 17th 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, if any unauthorized construction or deviation from the sanctioned plan is found, 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.6, Pradhan, Gangadharpur Gram Panchayat along with copy of the representation dated 17th 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 696 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.)