

21.08.2025  
Sl. No.25(DL)  
Ct. No.42  
srm

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

**W.P.A. No. 670 of 2025**

**Md. Ziauddin & Ors.**

**Versus**

**The State of West Bengal & Ors.**

Mr. Uttiya Ray

...for the Petitioners.

Mr. Lalit Mohan Mahata,  
Mr. Ziaul Haque,  
Mr. Prasanta Behari Mahata

...for the State.

Mr. Falguni Majhi

...for the Respondent No.3.

Mr. Arun Shaw

...for the Respondent Nos.5 & 6.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek direction upon the respondent authorities particularly respondent No.2 to consider and dispose of the representations of the petitioners dated 9<sup>th</sup> August, 2024 and 9<sup>th</sup> September, 2024.
3. The petitioners contend that they are the owners and possessors of Plot No.263, LR Khatian Nos.4821, 4822. 4869 and 12351 under J.L. No.68, Mouza-Rayn, Police Station Burdwan, District-Purba Bardhaman. The private respondents are the owners and occupiers of LR Plot No.254 which is

adjacent to the petitioners' land. The predecessor-in-interest of the petitioners purchased an area of 6 ft. wide and 67 ft. long of a portion of land in LR Plot No.254 from the predecessor-in-interest of the private respondents for making a pathway for the ingress and egress from the landed property at LR Plot No.263. The private respondents have undertaken unauthorised construction over the Plot No. 254 without any valid sanctioned plan which is causing obstruction to the ingress and egress of the petitioners. The petitioners made representations before the local gram panchayat, the respondent No.2 for redressal of their grievance on 9<sup>th</sup> August, 2024 and 9<sup>th</sup> September, 2024. However, no steps have been taken. Hence, this writ petition.

4. Mr. Uttiya Ray, learned Advocate for the petitioners submits that the local gram panchayat, respondent No.2 be directed to consider the representations of the petitioners dated 9<sup>th</sup> August, 2024 and 9<sup>th</sup> September, 2024.
5. Mr. Arun Shaw, learned Advocate for the private respondent Nos.5 and 6, on the contrary, submits that no new construction has been undertaken by the private respondents.
6. Both the learned Advocates for the State as well as for Chairman, Burdwan Development Authority submit that the matter may be relegated to the local

gram panchayat to consider the representations of the petitioners.

7. In view of the above and considering the submissions advanced by learned Advocates for the appearing parties, the respondent No.2, Rayan-I Gram Panchayat is directed to consider and dispose of the representations of the petitioners dated 9<sup>th</sup> August, 2024 and 9<sup>th</sup> September, 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 Nos.5 to 7. 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 representations of the petitioners dated 9<sup>th</sup> August, 2024 and 9<sup>th</sup> September, 2024 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. Parties are granted liberty to produce all relevant records and documents before the Pradhan at the time of hearing.
- (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 three months from date of communication of this order.
8. The learned Advocate for the petitioners is directed to communicate this order to the respondent No.2, Rayan-I Gram Panchayat along with copy of the representations dated 9<sup>th</sup> August, 2024 and 9<sup>th</sup> September, 2024.
9. It is made clear that this Court has not gone into the merits of this writ petition.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. With the aforesaid directions, the writ petition being **WPA 670 of 2025** is disposed of.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)**