

17.04.2025
Sl. No.52(DL)
Ct. No.39
srm

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

W.P.A. No. 958 of 2025

Kakan Saha

Versus

The State of West Bengal & Ors.

Mr. Saunak Bhattacharya,
Mr. S.S. Bhutoria

...for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Lal Mohan Basu

...for the State-respondents.

Mr. Sankar Paul,
Ms. Kumar Shipra Roy,
Mr. Arun Kumar Das

...for the Respondent No.3.

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

Despite service, none appears on behalf of the
respondent No.2, Pradhan, Karimpur-I Gram
Panchayat. State respondent is also unrepresented.

Mr. Lalit Mohan Mahata, learned Additional
Government Pleader, 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 repondent.

This writ petition has been filed seeking direction upon the respondent No.2, Pradhan, Karimpur-I Gram Panchayat to stop the work of construction undertaken by the respondent No.3.

The petitioner contends that the private respondent without obtaining any sanctioned building plan has started work of construction over a portion of the property comprised within Mouza-6 Karimpur, L.R. No.1278 (Kri.) R.S. Dag No.209, L.R. Dag No.1094 measuring more or less .329 *satak* comprising of two shop rooms. A representation was made on 8th August, 2024 before the Pradhan, Karimpur-I Gram Panchayat alleging of such illegal construction undertaken by the private respondent No.3. However, no steps have been taken. Hence, this writ petition.

Mr. Saunak Bhattacharya, learned Advocate appearing for the petitioner submits that as per the reply to the RTI application the work of construction was undertaken by the respondent No.3 without obtaining any sanctioned plan. Therefore, the work of construction undertaken by the respondent No.3 requires to be enquired into to the extent of its legality. He seeks for direction upon respondent no. 2, The Pradhan, Karimpur-I, Gram Panchayet (Under Karimpur-I Panchayet Samity) for consideration and disposal of the representation of the petitioner dated 8th August, 2024.

In reply to the aforesaid contention of the petitioner, Mr. Sankar Paul, learned Advocate for the private respondent No.3 submits that the shop rooms have been purchased by respondent No.3 from the petitioner and are not new ones. Therefore, the contention of unauthorised construction by the respondent No.3 does not arise at all and at the same time the provisions of section 23 would not be attracted to the facts of this case.

Mr. Lalit Mohan Mahata learned Additional Government Pleader submits that whether the construction is new or old one needs to be enquired by the Pradhan of local Gram Panchayet. He submits that matter may be relegated to Pradhan for taking appropriate steps.

The reply to the R.T.I application dated 22nd November, 2022 primarily shows that new construction has been undertaken by respondent no. 3 without any sanctioned building plan.

Having considered the submissions of the learned Advocates for the respective parties as well as the reply to the RTI application dated 22nd November, 2024, the Pradhan, Karimpur-I Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 8th August, 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.3. 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 8th August, 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 learned Advocate for the petitioner is directed to communicate this order to the respondent No.2, Pradhan, Karimpur-I. Gram Panchayat along with copy of the representation dated 8th August, 2024.

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 958 of 2025** 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.)