

01.07.2025
Sl. No. 36.
D/L.
Mithun
Ct.No.42.

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

WPA 992 of 2024

**Alauddin Mallick & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Pintu Karar,
Mr. Sabab Uddin Laskar,
Mr. Sourav Roy

...for the petitioners

Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee

...for the State

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

This writ petition is filed seeking direction upon
the respondent authorities to take steps to demolish the
illegal construction made by the private respondent over
Sabek Dag No.48 and Hal Dag No.51, L.R JL No.46,
Mouza-Kumarchak, Village-Sonatola, Garbhabanipur,
P.S. Udaynarayanpur.

The petitioner contends that he is a co-sharer in
respect of aforementioned land in question. The
respondent no.6 is making illegal unauthorized
construction over the aforesaid plot which is classified
as 'Danga'. On 10th January, 2024 the petitioner made
a representation before the Pradhan, Garbhabanipur-
Sonatala Gram Panchayat for taking necessary steps.

However, till date no steps have been taken. Hence, this writ petition.

Mr. Pintu Karar, learned Advocate for the petitioner submits that the matter may be relegated to the Pradhan, Garh Bhawanipur-Sonatala Gram Panchayat, respondent no.4 to cause enquiry and pass necessary orders for demolition.

Mr. Bibekananda Tripathy, learned Advocate for the State also submits in the similar fashion.

Despite service, none appears on behalf of private respondent no.6.

Considering the above submissions, the respondent no.4, Pradhan, Garh Bhawanipur-Sonatala Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 10th January, 2024 by adopting the following procedure:

- (i) Cause inspection of the property-in-question upon notice to the petitioner as well as to the private respondent.
- (ii) Prepare a report along with a rough sketch map.
- (iii) The parties including the petitioner and the private respondent shall be heard thereafter, upon notice.
- (iv) Pass a reasoned order upon hearing and inspection. If it occasions, the respondent No.4 shall take the proceedings to its logical

conclusion and act in accordance with
Section 23 of the West Bengal Panchayat Act.

The entire exercise shall be done within a period
of two months from the date of communication of the
order.

Learned advocate is directed to serve a copy of the
representation along with copy of the order upon
respondent no.4, Pradhan, Garh Bhawanipur-Sonatala
Gram Panchayat for necessary compliance.

With the above direction, the writ petition being
WPA 992 of 2024 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.)