

03.04.2025
Sl. No. 78.
D/L.
Mithun
Ct.No.39.

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

WPA 1282 of 2025

**Sk. Rejuan Ali
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Sarkar,
Mr. B. Sarkar

...for the petitioner

Ms. Sipra Mazumdar,
Ms. Somashree Dey

...for the State

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

This writ petition has been filed seeking direction
upon respondent nos.4 and 5 to take action against the
private respondent for demolition of unauthorized and
illegal pucca construction over L.R. Plot No.601, Khatian
no.459, J.L. No.56, Mouza-Kalubati, Police Station-
Haripal, District-Hooghly.

Petitioner contends that he is the co-sharer in
respect of the property in question. The private
respondent who is the brother of the petitioner has
undertaken unauthorized construction over the property
in question. A representation was made before the
Prodhan, Sahadev Gram Panchayat, Raghunathpur,
respondent no.5. However, no steps has been taken.
Hence, this writ petition.

Mr. Sudip Sarkar, learned Advocate for the petitioner submits that direction be issued upon the Pradhan, Sahadev Gram Panchayat, Raghunathpur, respondent no.5 to consider the representation dated 19th September, 2024.

Ms. Sipra Mazumdar, learned Advocate for the State-respondents submits that the respondent no.5, Pradhan is the appropriate authority to respond to the issues raised in the writ petition. She files a report furnished by Officer-in-Charge, Haripal Police Station dated 23rd January, 2025 which is taken on record.

Upon hearing the learned Advocates for respective parties, the respondent no.5, Pradhan, Sahadev Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 19th September, 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. 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 19th 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.

- (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.5, Pradhan, Sahadev Gram Panchayat along with copy of the representation dated 19th September, 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 1282 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.)