

22.04.2025
Sl. No.87(DL)
Ct. No.39
srm

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

W.P.A. No. 1028 of 2024

Badrodozza Mallick

Versus

The State of West Bengal & Ors.

Mr. Jyoti Prakash Chatterjee

...for the Petitioner.

Ms. Kakali Pal

...for the State-respondents.

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

This writ petition has been filed seeking direction upon the respondent authorities particularly respondent No.6, Pradhan, Putsuri Gram Panchayat to initiate demolition proceedings against private respondent Nos.7 to 13 in respect of the illegal construction undertaken by them over the property comprised within Plot No.5515, Mouza-Putsuri, J.L. No.64, Class-*Sali* area measuring 13 *shatak* under PS Monteswar, District-Purba Bardhaman.

The petitioner contends that by a registered deed of gift being No.5064 for the year 2018 he became the absolute owner of the property-in-question. Surprisingly, the private respondent Nos.7 to 13 on the basis of a forged deed claimed themselves to be owners of the said property. The petitioner challenging the

execution of the said deed filed a civil suit being Title Suit No.193 of 2023 before the learned Civil Judge (Junior Division) at Kalna, Purba Bardhaman for declaration and permanent injunction. The respondent Nos.7 to 13 have undertaken unauthorised and illegal construction over the property-in-question. The petitioner through his authorised agent and learned Advocate on 24th November, 2023 raised such contention before the respondent No.6, Pradhan, Putsuri Gram Panchayat. However, no steps have been taken. Hence, this writ petition.

Despite service, none appears on behalf of the State-respondents.

Ms. Kakali Pal, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of the learned Advocate 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-respondents.

Despite service, none appears on behalf of the respondent No.6, Pradhan, Putsuri Gram Panchayat as well as the respondent Nos.7 to 13.

Mr. Jyoti Prakash Chatterjee, learned Advocate appearing for the petitioner submits that the matter may be relegated to the Pradhan to cause necessary

enquiry and take steps in terms of the provisions of the West Bengal Panchayat Act.

Ms. Kakali Pal, learned Advocate for the State also submits in the similar fashion.

Upon hearing learned Advocates for the respective parties, respondent No.6, Pradhan, Putsuri Gram Panchayat is directed to consider and dispose of the issues raised by the petitioner through his learned Advocate's letter dated 24th November, 2023 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent Nos.7 to 13. 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 issues raised by the petitioner through the Advocate's letter dated 24th November, 2023 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.6, Pradhan, Putsuri Gram Panchayat along with copy of the Advocate's letter dated 24th November, 2023.

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 1028 of 2024** 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.)