

31.07.2025
Sl. No. 26.
D/L.
Mithun
Ct.No.42.

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

WPA 1678 of 2025

Smt. Bishakha Paul

Vs.

The State of West Bengal & Ors.

Mr. Amitabha Ghosh,
Ms. Arpita Paul Biswas

...for the petitioner

Mr. Suman Basu

...for respondent no.4/Hooghly Zilla Parishad.

Mr. Amal Kr. Sen, AGP,
Mr. Lal Mohan Basu

...for the State

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

By the present writ petition, the petitioner seeks
direction upon the respondent authorities, particularly,
respondent nos.6 and 8 to remove unauthorized
construction upon considering the representation of the
petitioner dated 18th July, 2024(Annexure P-3).

The petitioner contends that the petitioner and
respondent nos.11 and 12 are the joint owners in
respect of property measuring 8 decimals together with
500 sq ft tiled shed structure comprised within L.R. &
R.S. plot No.4694, L.R. Khatian No.2001/1, J.L. No.57,
Mouza-Janai, Police Station-Chanditala, District-
Hooghly. The petitioner transferred a demarcated
portion of land measuring 2.44 decimals in the said

property in favour of respondent no.11 in the year 2015. The respondent nos.11 and 12 without obtaining sanction building plan from the concerned Gram Panchayat has erected unauthorized cemented slope blocking the common passage of the petitioner. Due to such construction, there is water logging during rainy season in the land of the petitioner. The petitioner made a representation on 18th July, 2024. Though the local Gram Panchayat issued a stop work notice, yet subsequent thereto, no such steps has been taken for removal of the unauthorized construction. Hence, this writ petition.

Learned Advocate for the petitioner submits that specific direction be issued upon the respondent no.8, Pradhan, Janai Gram Panchayat to take immediate steps for removal of the unauthorized construction.

Learned Advocate for the State submits that matter may be relegated to the respondent no.8, Pradhan, Janai Gram Panchayat.

Learned Advocate representing respondent no.4 submits that Zilla Parishad has no role to play.

Despite service, none appears on behalf of the respondent no.8, Pradhan of Janai Gram Panchayat and private respondent nos.11 and 12.

Upon hearing the learned Advocates for the appearing parties, the respondent no.8, Pradhan, Janai Gram Panchayat is directed to consider and dispose of

the representation of the petitioner dated 18th July, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondents. 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 18th July, 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.

Learned advocate is directed to serve a copy of this order along with copy of the representation dated 18th July, 2024 upon respondent no.8, Pradhan, Janai Gram Panchayat for necessary compliance.

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 direction, the writ petition being **WPA 1678 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.)