

29.07.2025
Sl. No.20
Ct. No.42
Ss

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

W.P.A. No. 1616 of 2024

Susmita Chatterjee

Versus

The State of West Bengal & Ors.

Mr. Dhananjoy Banerjee
Md. Shamimuddin
Ms. Sana Parveen
Mr. Poloy Hazra

...for the Petitioner.

Mr. Sujoy Mandal, (through virtual mode)
Ms. Rinku Sen

...for the State.

Mr. Gourab Ghosh

... for the respondent no.9

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

The writ petition is filed seeking direction upon
the respondent authorities to take necessary steps for
demolition of illegal and unauthorised construction
made by private respondent No.9.

The petitioner contends that illegal and
unauthorised construction has been undertaken by
the private respondent no.9 encroaching the public
road which falls under the Pradhan Mantri Gram
Sarak Yojna at Mansatala More under Bishnupur
Police Station in the District of 24-Parganas (South).
Representation was made before the Pradhan,
Panakua Gram Panchayat, respondent no.8 on 21st

November, 2023. However, no step has been taken. Hence, this writ petition.

Mr. Dhananjoy Banerjee, learned Advocate appearing for the petitioner submits that the respondent No.9 has undertaken illegal and unauthorised construction over his plot of land encroaching the public road under Pradhan Mantri Gram Sarak Yojna. He seeks that the matter be relegated to the Pradhan of the local Gram Panchayat to cause enquiry and dispose of the representation of the petitioner dated 21st November, 2023.

On the contrary, Mr. Gourab Ghosh, learned Advocate for the private respondent no.9 submits that work of construction has been undertaken by the private respondent no.9 in respect of plot No.1229, J.L. No. 118, Mouja Raghabpur, Police Station Bishnupur in the District of South 24-Parganas on the basis of the permission accorded by the South 24-Parganas Zilla Parishad and as such, there is no illegality in the construction undertaken by the private respondent no.9. However, he submits that the matter may be relegated to the Pradhan of the local Gram Panchayat to take necessary steps in accordance with law.

Mr. Sujay Mandal, learned Advocate for the State appearing through virtual mode submits that the matter be considered by the Prodhan of the local Gram Panchayat.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent No.8, Pradhan, Panakua Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 21st 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 No.9. 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 representation of the petitioner dated 21st 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. Parties are granted liberty to produce all relevant records and documents before the Pradhan at the time of hearing.
- (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.8, Pradhan, Panakua Gram Panchayat along with copy of the representation dated 21st 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 1616 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.)