

06.03.2025
Sl. No. 09.
D/L.
Mithun
Ct.No.39.

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

WPA 1816 of 2025

**Dr. Ajoy Kumar Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Milan Chandra Bhattacharjee, Sr. Adv.,
Mr. Sushanta Kumar Laha,
Ms. Sulagna Bhattacharya
...for the petitioner

Mr. Bharat Chandra Simai,
Mr. Somesh Panja
...for private respondent nos.9 & 10.

Mr. Gautam Lahiri
...for respondent no.8, Begri Gram Panchayat.

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 to remove and/or
demolish the illegal and unauthorized construction of
concrete slab with deep water pillars over pond (Pukur)
comprised within Mouza – Bipannapara, J.L. No.027,
under R.S. Khatian No.221, Dag No.1631 (L.R. Dag
No.1676), Police Station-Domjur, District:Howrah
measuring more or less 44 decimals.

The petitioner alleges of unauthorized illegal
construction by private respondent nos.9 and 10 over
the property in question. The petitioner made

representation before the respondent no.8, Pradhan, Begri Gram Panchayat on 24th December, 2024. Though notice of such illegal construction was issued to private respondent nos.9 and 10, no further steps have been taken. Hence, this writ petition.

Mr. Milan Chandra Bhattacharjee, learned Senior Advocate for the petitioner submits that since December, 2024 when the matter of illegal construction was brought to the notice of the local Gram Panchayat, no further steps has been taken for removal of the unauthorized construction. He seeks for necessary direction upon the respondent no.8, Pradhan, Begri Gram Panchayat to take appropriate steps for removal of the unauthorized construction.

Mr. Gautam Lahiri, learned Advocate appearing for respondent no.8, Pradhan, Begri Gram Panchayat submits that already notice has been issued to the private respondents and informs the Court that the Pradhan, Begri Gram Panchayat shall take appropriate steps with regard to the representation of the petitioner.

Mr. Bharat Chandra Simai, learned Advocate representing private respondent nos.9 and 10 submits that the private respondents have not undertaken any illegal unauthorized construction. Hence the writ petition is liable to be dismissed.

It is not in dispute that after the representation was submitted before the Pradhan, Begri Gram

Panchayat on 24th December, 2024, a notice has been issued to the private respondent nos.9 and 10 on 2nd January, 2025. Thereafter, no steps has been taken.

Bearing in mind the aforesaid, respondent no.8, Pradhan, Begri Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 24th December, 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 nos.9 & 10. 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 24th December, 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, 1973.
- (iv) The entire exercise shall be undertaken by the respondent no.8 within a period of two

months from date of communication of this order.

The petitioner is directed to communicate this order to respondent no.8, Pradhan, Begri Gram Panchayat along with copy of the representation dated 24th December, 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 1816 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.)