

02.07.2025

Sl. No.31

Ct. No.42

ss

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

W.P.A. No. 1853 of 2024

Tamanash Das

Versus

The Howrah Zilla Parisad & Ors.

Mr. Debabrata Saha Roy, Sr.Adv.

Mr. Soumen Bhattacharjee

Mr. Sankha Biswas

Mr. Ankan Das

Ms. Shradhya Ghosh

... for the petitioner

Ms. Mekhla Sinha

...for the Howrah Zilla Parishad

Mr. Asit Kumar Chaubey

Ms. Ritika Pipalwa

... for the respondent nos.10 & 11

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 take appropriate
steps for demolition of illegal unauthorized
construction carried out by the private respondents
over the land comprised in R.S. Plot No.2433
(corresponding to L.R. Plot No.2683) under L.R.
Khatian No.11084 and 10261 respectively lying and
situated in Mouza Amta, J.L. No.121 under Amta
Gram Panchayat.

The petitioner contends that the private-respondents have undertaken illegal unauthorized construction over the property-in-question without obtaining sanction plan. The classification of the land is 'Sali'. There is no such conversion obtained by the private respondents prior to undertaking of work of construction. A representation was made before the District Engineer, Howrah Zilla Parishad, respondent no.3 on 13th September, 2023 (Annexure P2 to the writ petition). However, till date no steps have been taken by the respondent no.3, District Engineer, Howrah Zilla Parishad. Hence this writ petition.

Mr. Debabrata Saha Roy, learned Senior Advocate appearing for the petitioner submits that the matter may be relegated to the District Engineer, Howrah Zilla Parishad, respondent no.3 to consider and dispose of the representation of the petitioner dated 13th September, 2023.

Ms. Mekhla Sinha, learned Advocate for the Howrah Zilla Parishad also submits that the respondent no.3, the District Engineer, Howrah Zilla Parishad may be directed to consider and dispose of the representation of the petitioner.

Mr. Ajit Kumar Chaubey, learned Advocate appearing on behalf of the private-respondents submits that the work of construction has been undertaken duly upon permission being accorded by the concerned authority. The conversion of land has

also been effected. However, he submits that the matter may be relegated to the respondent no.3, the District Engineer, Howrah Zilla Parishad to consider and dispose of the representation of the petitioner dated 13th September, 2023.

Upon hearing learned Advocates for the respective parties, respondent No.1, Howrah Zilla Parishad is directed to consider and dispose of the representation of the petitioner dated 13th September, 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. 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 as per Section 160A of West Bengal Panchayat Act, 1973 and representation of the petitioner dated 13th September, 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 160A of West Bengal Panchayat Act, 1973.

(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.1, Howrah Zilla Parishad along with copy of the representation dated 13th September, 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 1853 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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.)