

12.08.2025
Sl. No. 18(DL)
Ct. No.42
ab

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

WPA 2174 of 2024

Hasena Khan

-Vs-

The State of West Bengal & Ors.

Mr. Priyam Misra,
Ms. Ankita Misra,
Mr. S. Chanda

... for the petitioner

Mr. Soumik Ganguli,
Ms. Priti Burman

... for the private respondents

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

By the present writ petition, the petitioner seeks
for demolition of unauthorized construction
undertaken by the private respondent nos. 15 to 21
over the joint property comprised within Dag No. 2493,
Khatian No. 3295, 700/1, 1792 of J.L. No. 40 Mouza-
Ranisai, Police Station- Ramnagar, District- Purba
Medinipur.

The petitioner contends of illegal and
unauthorized construction undertaken by the private
respondents over the property-in-question without
there being any sanctioned building plan issued by the
concerned authority. Representation was made on 15th
December, 2023 before the respondent no. 3, Pradhan,

Haldia-II Gram Panchayat at Dihibirkul, P.S. Ramnagar, Purba Medinipur. However, no steps have been taken. Hence this writ petition.

Mr. Priyam Mishra, learned Advocate for the petitioner submits that the subject land is classified as “*Kala*” and as such, there cannot not be any sanction of building plan in respect of such a nature of land. He seeks that direction be issued to respondent no. 3, Pradhan, Haldia-II Gram Panchayat at Dihibirkul, P.S. Ramnagar, Purba Medinipur to consider and dispose of the representation of the petitioner.

Mr. Soumik Ganguli, learned advocate for the private respondents also submit that the matter may be relegated to the respondent no. 3, Pradhan, Haldia-II Gram Panchayat at Dihibirkul, P.S. Ramnagar, Purba Medinipur for causing an enquiry in respect of the representation.

Despite service, none appears on behalf of the State.

On hearing learned advocates for the appearing parties, the respondent no. 3, Pradhan, Haldia-II Gram Panchayat at Dihibirkul, P.S. Ramnagar, Purba Medinipur is directed to consider and dispose of the representation of the petitioner dated 15th December, 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. 15 to 21. 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 15th December, 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. 3, Pradhan, Haldia-II Gram Panchayat at Dihibirkul, P.S. Ramnagar, Purba Medinipur along with copy of the representation dated 15th December, 2023 for necessary compliance.

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 2174 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.)