

05.08.2025
Sl. No. 194.
D/L.
Mithun
Ct.No.42.

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

WPA 3325 of 2024

Fatema Bibi & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Anirban Mitra,
Mr. Amit Halder,
Mr. Amit Roy,

...for the petitioners

Mr. Animesh Paul,
Ms. Manisha Kr. Upadhyay

...for the private respondent.

Mr. Lalit Mohan Mahato, Ld. AGP,
Md. Ahsanuz Zaman

...for respondent no.4.

By the present writ petition, the petitioners seeks for direction upon the respondent authorities to forthwith demolish the illegal construction undertaken by private respondent no.4 at Dag no.513, Khatian No..598, J.L. No.87, Mouza and Village –Ramnagar, District-North 24 Parganas.

The petitioners alleges of illegal unauthorized construction by the private respondent over the property in question.

Mr. Anirban Mitra, learned Advocate for the petitioners submits that raising such issue of illegal construction of a shop room by the private respondent, the petitioners made a representation before the Prodhan of the local Gram Panchayat for redressal of his grievance. However, no steps have been taken. Hence,

this writ petition. He seeks that matter be relegated to the Prodhan to cause an enquiry.

Learned Advocate for the private respondent submits that the report furnished by the State is bereft of the plot number of which the alleged illegal construction has been undertaken. Therefore, the report is evasive.

Mr. Lalit Mohan Mahato, learned Additional Government pleader, appearing on behalf of the State submits that the report specifies that private respondents have undertaken an illegal construction of a shop room without obtaining sanction plan.

Considering the above submissions, the respondent no.2, Prodhan, Pifa Gram Panchayat is directed to consider and dispose of the representation of the petitioners dated 17th January, 2024 by adopting the following procedure:-

- (i) Cause an inspection at Dag No.513, Khatian No.598, J.L. No.87, Mouza and Village – Ramnagar, District- Basirhat, North 24-Parganas upon notice to the petitioners 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 petitioners dated 17th January, 2024 shall be

disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. Parties shall be at liberty to produce relevant documents before the concerned authority 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.

Learned Advocate for the petitioners is directed to communicate this order to respondent no.2, Prodhan, Pifa Gram Panchayat along with copy of the representation dated 17th January, 2024 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 observation, the writ petition being **WPA 3325 of 2024** 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.)