

09.07.2025
Sl. No.69
Ct. No.42
ss

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

W.P.A. No. 3454 of 2024

Sri Gobinda Pada Mondal

Versus

The State of West Bengal & Ors.

Mr. Mani Sankar Chattopadhyay
... for the petitioner

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Prasanta Behari Mahata
...for the State-respondents.

Mr. Mrinmoy Bhattacharyya
... for the respondent nos.5 & 6

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

This writ petition has been filed seeking for
direction upon the respondent authorities to take
appropriate steps for demolition of unauthorised
construction undertaken by the private-respondent
nos.5 and 6 adjacent to the house of the petitioner
lying and situated at Mouza Nabagram, J.L. No.21,
Dag No.725, Khatian No.879 under Police Station
Jangipara, District Hooghly.

Mr. Mani Sankar Chattopadhyay, learned
Advocate for the petitioner submits that previously one
writ petition has been filed by the present petitioner
being WPA 16891 of 2021 alleging of illegal
construction by the private-respondents. The Hon'ble

Court disposed of the writ petition directing the Pradhan of the local Gram Panchayat to pass a reasoned order after hearing both the parties. Though notice has been issued by the Pradhan, Rajbalhat-2 Gram Panchayat on 5th September, 2023 pursuant to order passed by this Hon'ble Court, no further step has been taken, hence the petitioner is constrained to file this writ petition. He seeks for appropriate direction for implementation of order passed by this Hon'ble Court.

Despite service, none appears on behalf of the State-respondents.

Mr. Lalit Mohan Mahata, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter with a junior of his choice. The appearance of the learned Advocates be regularised by the concerned authority.

Let a copy of the writ petition along with annexure be served upon the learned Advocate for the State-respondents.

Mr. Mahata, learned Additional Government Pleader submits that direction be issued upon the Pradhan, Rajbalhat-2 Gram Panchayat to pass a reasoned order in terms of order of this Hon'ble Court passed in WPA 16891 of 2021.

Mr. Mrinmoy Bhattacharyya, learned Advocate for the private-respondent nos.5 and 6 submits that the private respondent nos.5 and 6 are in no way

connected with the alleged plot of land nor they have undertaken any unauthorised construction. He files record of rights, which is taken on record.

This is a second round of litigation.

In the earlier writ petition filed by the petitioner being WPA 16891 of 2021 following direction was issued :

“ In view of the above, leave is granted to the petitioner to file proper representation before the Pradhan of the Gram Panchayat giving details of such unauthorized construction.

In the event, representation is filed before the Pradhan of the Gram Panchayat mentioning all details of the alleged unauthorized construction, the same shall be enquired and decided by the Pradhan of the Gram Panchayat strictly in accordance with law, after giving an opportunity of hearing to both the parties.

The Pradhan of the Gram, Panchayat shall pass a reasoned order and communicate the same to the parties immediately thereafter.”

Pursuant to such direction passed by this Hon’ble Court, the Pradhan, Rajbalhat-2 Gram Panchayat, respondent no.3 has issued notice to the petitioner as well as to the private-respondent nos.5 and 6. It is informed that the Pradhan, Rajbalhat-2 Gram Panchayat has not held hearing nor passed any reasoned order after such notice.

In view of the above, the writ petition being **WPA 3454 of 2024** is disposed of by directing the Pradhan, Rajbalhat-2 Gram Panchayat, respondent no.3 to pass a reasoned order after giving opportunity of hearing to the petitioner, private-respondents and all interested

parties in terms of order dated 7th June, 2022 passed in WPA16891 of 2021.

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.

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.)