

04.04.2025
Sl. No. 66.
D/L.
Mithun
Ct.No.39.

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

WPA 3683 of 2025

**Pradip Karpa
Vs.
The State of West Bengal & Ors.**

Mr. Soumyadeep Biswas,
Mr. Sandeep Chakraborty

...for the petitioner

Mr. Debasis Sur,
Mr. Goutam Sardar,
Mr. Bhaskar Bhattacharya,
Ms. Soumi Roy,
Mr. Goutam Malik,
Mr. Sourav Mitra

...for private respondent no.9

Mr. Lalit Mohan Mahata, Ld. AGP,
Mr. Prasanta Behari Mahata

...for the State

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

This writ petition has been filed for quashing of
order dated 30th January, 2025 passed by respondent
no.3, Sub-Divisional Officer, Baruipur Sub-Division.

The petitioner contends that in the earlier writ
petition being WPA No.2014 of 2022, direction was
passed upon the local Gram Panchayat to conduct
inspection, and report of such inspection along with
sketch map be handed over to the parties. However, no
such inspection report has been handed over to the
petitioner. The petitioner appeared before the concerned

authority for hearing and he was asked to submit written submissions. However, without hearing the petitioner, the impugned order dated 30th January, 2025 has been passed. Being aggrieved by such order, this writ petition has been filed.

Mr. Soumyadeep Biswas, learned advocate for the petitioner seeks for setting aside of the impugned order on the ground that it has been passed in violation of procedure laid down in the order passed in the earlier writ petition, as no opportunity was provided to the petitioner for hearing.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader submits that the petitioner has already submitted his written submissions before the concerned authority.

Mr. Debasis Sur, learned Advocate appearing for the private respondent no.9 submits that there has been deviation in the work of construction undertaken by the petitioner. For execution of the earlier order passed in the writ petition, a contempt application has been filed by respondent no.9 (petitioner in the earlier writ petition) being CPAN 586 of 2023 which is pending before the Court taking up contempt matters.

This is second round of litigation.

In the earlier writ petition being WPA 2014 of 2022 filed by respondent no.9, following direction was issued:-

“As the panchayat authorities have already been approached, the writ petition is disposed of with a direction upon the concerned gram panchayat to treat the writ petition

as a representation and decide the issues raised, in accordance with law. While doing so, the following procedure shall be adopted:

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent no. 9. An advance notice of the inspection shall be served upon the petitioner and the respondent no. 9 and all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.*
- b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and was continuing, the authorities may take such interim measures by stopping such construction.*
- c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.*
- d) Such report shall be handed over to the parties.*
- e) A hearing shall be given to the petitioner and the respondent no. 9. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority. All points raised by either party, will be decided.*
- f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of Section 23(5) of the West Bengal Panchayat Act."*

It is found that the orders passed by the respondent no.3, Sub-Divisional Officer, Baruipur annexed with the writ petition being Annexure 'P-7' at Page 51 shows that such orders have been passed pursuant to the order passed in the writ petition being WPA 2014 of 2022. Further, contempt petition has also been filed by the respondent no.9 which is pending. Orders has been passed in the contempt proceeding for compliance in the meantime.

Such being the position, this Court finds that prayer made in the writ petition for quashing of the impugned order cannot be entertained as that would

interdict the earlier orders passed by this Court. Hence, this writ petition falls short of merit.

Accordingly, **WPA 3683 of 2025** stands dismissed.

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.)