

08.05.2025
Sl. No.41(DL)
Ct. No.39
srm

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

W.P.A. No. 3883 of 2025

Prasanta Mondal

Versus

The State of West Bengal & Ors.

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya,
Ms. S. Ghosh

...for the Petitioner.

Ms. Sipra Majumdar,
Ms. Prativa Ghatak

...for the State-respondents.

Mr. Dipayan Kundu,
Mr. Rameswar Sinha

...for the Respondent No.5.

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

This writ petition is filed for seeking direction
upon the respondent authorities to demolish the
alleged unauthorised construction carried out by the
private respondent No.5 over Dag No. 149, L.R.
Khatian No.202 in Mouza-Jugberia within Khardaha
Police Station under Bilkanda-1 Gram Panchayat,
District-North 24-Parganas.

The petitioner contends that the private
respondent has undertaken illegal and unauthorised
construction over the property-in-question without
sanctioned building plan and without leaving requisite
side space. The petitioner made representation before

the respondent No.4, Pradhan, Bilkanda-I Gram Panchayat on 10th January, 2025. However, no steps have been taken. Hence, this writ petition.

Mr. Prantick Ghosh, learned Advocate for the petitioner submits that though notice in relation to the representation of the petitioner, has been issued by the local Gram Panchayat to the parties, but the proceeding has not been taken to its logical conclusion. He seeks for appropriate direction upon the respondent No.4, Pradhan, Bilkanda-I Gram Panchayat to consider and dispose of the representation of the petitioner dated 10th January, 2025.

Learned Advocate for the private respondent No.5 submits that only repairing work is being made and no new construction has been undertaken. His client appeared before the Pradhan of the local Gram Panchayat in terms of the notice of hearing. Be that as it may, he also submits that matter may be relegated to the Pradhan, Bilkanda-I Gram Panchayat to cause enquiry.

Ms. Sipra Majumdar, learned Advocate for the State submits that the old structure has currently been broken and the private respondent No.5 has started to build a new house on the said land. The private respondent has not applied for any building plan. She also submits that the matter be relegated to the respondent No.4, Pradhan, Bilkanda-I Gram Panchayat for causing enquiry and disposing of the

representation of the petitioner. She files a report of the Block Development Officer, Barrackpore-II Development Block, North 24-Parganas dated 7th May, 2025, which is taken on record.

Having heard learned Advocates for the respective parties, the respondent No.4, Pradhan, Bilkanda-I Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 10th January, 2025 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent No.4. 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 10th January, 2025 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 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.4, Pradhan, Bilkanda-I Gram Panchayat along with copy of the representation dated 10th January, 2025.

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 3883 of 2025** 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.)