

15.05.2025

Sl. No.46

Ct. No.39

ss

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

**W.P.A. No. 4239 of 2025
CAN 1 of 2025**

Jahura Bibi & ors.

Versus

The State of West Bengal & Ors.

Mr. Dipayan Kundu
Mr. Rameshwar Sihna
... for the petitioner

Mr. Susovan Sengupta
Mr. Manas Kuamr Sadhu
...for the State-respondents.

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

This writ petition has been filed seeking for consideration of the representations dated 5th July, 2024 and 6th December, 2024 (annexures P2 and P3 to the writ petition, respectively) of the petitioners and for direction upon the Pradhan, Minakhan Gram Panchayat, respondent no.7 to demolish the illegal and unauthorised construction made by the private respondents.

The petitioners contend that they are the owners and possessors of land measuring 3 *sataks* comprised within Khatian Nos.783, 784 and 785, Plot no.100 within Mouza Chak Ahammadpur, Police Station Miknakhan, District South 24-Parganas (North) upon

partition of the property between the co-sharers in metes and bounds. The private respondents have illegally made unauthorised construction by encroaching the property of the petitioners without any sanction building plan from the local Gram Panchayat. Representations were made before the local Gram Panchayat on 5th July, 2024 and 6th December, 2024. However, no steps have been taken. Hence, this writ petition.

Mr. Dipayan Kundu, learned Advocate for the petitioners submits that direction be issued upon the Panchayat, Minakhan Gram Panchayat, respondent no.7 to consider the representations of the petitioners dated 5th July, 2024 and 6th December, 2024.

Despite service none appears on behalf of the respondent no.7, Panchayat, Minakhan Gram Panchayat and private respondent nos.8 to 10.

Mr. Manas Kumar Sadhu, learned Advocate for the State also submits that construction has been undertaken by private respondent no.8 after receiving the money under *Pradhan Mantri Awas Yojana*. He also submits for relegating the matter to the Pradhan of local Gram Panchayat for causing enquiry and dispose of the representation of the petitioners. He files a report of Officer-in-Charge, Minakhan Police Station, which is taken on record.

Upon hearing learned Advocates for the respective parties, respondent No.7, Pradhan,

Minakhan Gram Panchayat is directed to consider and dispose of the representations of the petitioners dated 5th July, 2024 and 6th December, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question 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 representations of the petitioners dated 5th July, 2024 and 6th December, 2024 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 police authorities are directed to extend their assistance to the petitioners in the event of any disturbance in the law and order situation.

The learned Advocate for the petitioners is directed to communicate this order to the respondent

No.7, Pradhan, Minakhan Gram Panchayat along with copy of the representations dated 5th July, 2024 and 6th December, 2024.

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 4239 of 2025** along with application being **CAN 1 of 2025** stands disposed of.

Interim order, if any, stands vacated.

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.)