

05.08.2025
Sl. No. 25(DL)
Ct. No.42
ab

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

WPA 4665 of 2024

Sree Sree Kaluroy/Kaluram Jew Thakur & Ors.

Versus

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti

...for the Petitioners.

Mr. Somnath Ganguly, AGP,
Mr. Pradyot Kr. Das

...for the State.

Mr. Pappy Adhikari

...for the Respondent Nos. 10 & 11

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

By the present writ petition, the petitioners seek
for consideration of their representation dated 4th
December, 2023 (Annexure P-3 of the writ petition) by
the respondent no. 9, Pradhan, Amritberia Gram
Panchayat, P.S. Mahishadal, Purba Midnapore.

The petitioners contend that the entire 3 decimal
of land within L.R. Plot No. 4050 corresponding to R.S.
Plot No. 3978 within Mouza Keshabpur, J. L. No. 92 is
owned by Deity “*Sree Sree Kaluroy/Kaluram Jew
Thakur*”. The private respondent nos. 10 and 11 being
the co-sharers of adjoining plots have raised
unauthorized construction over the said plot of land. A

suit for partition has been instituted at the instance of one Smt. Lakshmirani Samanta and others before the learned Civil Judge (Senior Division), Haldia, Purba Medinipur being Title Suit No. 32 of 2022 in respect of other plots. Representation was made before the local Gram Panchayat as well as other authorities on 4th December, 2023, however, no steps have been taken, hence this writ petition.

Mr. Salil Kumar Maiti, learned advocate for the petitioners submits that the private respondents have raised unauthorized construction over R.S. Plot No. 3978. He seeks that the matter may be relegated to respondent no. 9, Pradhan, Amritberia Gram Panchayat, P.S. Mahishadal, Purba Midnapore to cause an enquiry and dispose of the representation of the petitioners dated 4th December, 2023.

Learned advocate for the private respondents submits that by dint of an order passed in Title Suit No. 32 of 2022, the private respondents have undertaken work of construction over the R.S. Plot No. 3977 on the basis of sanctioned building plan. No such work of construction has been undertaken over R.S. Plot No. 3978. He files a copy of the sanctioned building plan pertaining to L.R. Plot No. 4049 corresponding to R.S. Plot no. 3977 within Mouza-Keshabpur, J.L. No, 92, P.S. Mahisadal, Purba Medinipur, which is taken on record. He seeks for dismissal of the writ petition.

Learned Advocates for the State submits that as per the provisions of Section 23 of the West Bengal Panchayat Act, 1973, the matter may be relegated to respondent no. 9, Pradhan, Amritberia Gram Panchayat, P.S. Mahishadal, Purba Midnapore to cause an enquiry regarding the grievance of the petitioners.

Despite service, none appears on behalf of respondent no. 9, Pradhan, Amritberia Gram Panchayat, P.S. Mahishadal, Purba Midnapore.

Admittedly, the Civil Court in Title Suit No. 32 of 2022 on 27th July, 2023 modified its order to the extent that defendant nos. 1 and 2, being the private respondent nos. 10 and 11 herein, can raise construction of permanent roof in plot No. 3977 in the dwelling house along with North-West portion of it. Be that as it may, the petitioner herein alleges of illegal and unauthorized construction in respect of R.S. Plot No. 3978 corresponding to L.R. Plot No. 4050 and not Plot No. 3977.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent no. 9, Pradhan, Amritberia Gram Panchayat, P.S. Mahishadal, Purba Midnapore is directed to cause an enquiry and dispose of the representation of the petitioners dated 4th December, 2023 by adopting the following procedure:

- (i) Cause an inspection in respect of R.S. Plot No. 3978 corresponding to L.R. Plot No. 4050 upon notice to the petitioners as well as private respondent Nos. 10 and 11. 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 4th December, 2023 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. Parties are granted liberty to produce all relevant records and documents before the Pradhan 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.

The learned Advocate for the petitioners is directed to communicate this order to the respondent no. 9, Pradhan, Amritberia Gram Panchayat, P.S. Mahishadal, Purba Midnapore along with copy of the representation dated 4th December, 2023 for necessary compliance.

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 4665 of 2024** 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.)