

17.07.2025
Sl. No.62(DL)
Ct. No.42
srm

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

W.P.A. No. 6132 of 2025

Golab Hossain

Versus

The State of West Bengal & Ors.

Mr. Samrat Banerjee

...for the Petitioner.

Mr. Naba Kumar Das,
Mr. Subrata Ghosh

...for the State.

Mr. Gazi Farum Hossain,
Mr. Rakib Hossain Khan

...for the Respondent Nos.7 & 8.

Affidavit-of-service is taken on record.

The writ petition is filed seeking direction upon the respondent authorities to take immediate steps for demolition of illegal and unauthorised construction made by the private respondents and to consider the representation of the petitioner dated 1st March, 2025.

The petitioner alleges of unauthorised and illegal construction made by the private respondents over the panchayat road encroaching the land of the petitioner comprised with LR Plot No.705, J.L. No.95, Mouza Sujnipara, Khatian No.779 measuring about 0.0500 *satak* and Khatian No.781 measuring about 0.0374 *satak*. Such unauthorised construction has been undertaken without any permission from the local gram panchayat. The petitioner made representation

on 1st March, 2025. However, no steps have been taken. Hence, the writ petition.

Mr. Samrat Banerjee, learned Advocate for the petitioner submits that the direction be issued upon the respondent No.6, Pradhan, Sadikpur Gram Panchayat to consider and dispose of the representation of the petitioner.

Learned Advocates for the State as well as the private respondents also submit that the matter may be relegated to the Pradhan to cause enquiry.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent No.6, Pradhan, Sadikpur Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 1st March, 2025 submitted by the petitioner by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent Nos.7 and 8. 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 1st March, 2025 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 petitioner is directed to communicate this order to the respondent No.6, Pradhan, Sadikpur Gram Panchayat along with copy of the representation dated 1st March, 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 6132 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.)