

26.08.2025
D/L 30
Ct. No.42
ab

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

WPA 6994 of 2024

Bani Mondal & Ors.

Versus

The State of West Bengal & Ors.

Mr. Pradip Paul,
Mr. G. Ghosh,
Ms. Renesa Dey

...for the Petitioners

Mr. Sudipto Panda,
Ms. Tanuja Basak

...for the State

Mr. Manoranjan Jana

... for the respondent no. 9

1. Learned advocate for the petitioners files a letter dated 21st August, 2025 addressed to the Senior Post Master, Barabazar which is taken on record.
2. By the present writ petition, the petitioners seek for specific direction upon the respondent authorities for removal of illegal and unauthorized construction from the village concrete road adjacent to the dwelling house of the petitioners.
3. The petitioners contends that the predecessor-in-interest of the petitioners namely, Joydeb Mondal purchased a landed property measuring about 1.01 acre comprising within Mouza-Ganeshpur, J. L. No. 011, L.R. Plot No. 1359, L.R. Khatian No. 5631

under the Kakdwip Police Station, South 24 Parganas by virtue of a registered deed of conveyance and his name has been duly recorded in the record-of-rights. The private respondents since such purchase started to cause disturbance to the peaceful possession of the petitioners. A civil suit was filed by the private respondents against the predecessor-in-interest of the petitioners being Title Suit No. 253 of 2010 before the learned Civil Judge (Junior Division) at Kadwip, South 24 Parganas. However, the said suit was subsequently dismissed for non-prosecution. In the month of July, 2024, the private respondents started to encroach the portion of the village concrete road adjacent to the dwelling house of the petitioners which obstructed the free ingress and egress of the petitioners' house. The petitioners made a representation to that effect through their learned advocate on 10th February, 2024 before the Pradhan of local Gram Panchayat. However, no steps have been taken, hence this writ petition.

4. Mr. Pradip Paul, learned advocate for the petitioners submits that the matter may be relegated to the respondent no. 7, Pradhan, Pratapaditya Gram Panchayat, Kakdwip, South 24 Parganas for considering such representation of the petitioners.
5. Mr. Sudipta Panda, learned advocate for the State also agrees to such submissions of relegation.

6. Mr. Monoranjan Jana, learned advocate for the private respondent no. 9 denies and disputes the contentions of the petitioners and submits that all of the petitioners have sold out their respective shares of the land to third parties. However, he seeks that the matter be sent to the respondent no. 7, Pradhan, Pratapaditya Gram Panchayat, Kakdwip, South 24 Parganas for consideration of the representation of the petitioners with liberty to the private respondents to produce all the relevant records/documents at the time of hearing.
7. It is found that the petitioners did not submit any representation before the concerned authority. As such, liberty is granted to the petitioners to make a comprehensive representation before the respondent no. 7, Pradhan, Pratapaditya Gram Panchayat, Kakdwip, South 24 Parganas for redressal of their grievances.
8. Upon submission of such representation, the respondent no. 7 is directed to consider and dispose of the comprehensive representation to be made by the petitioners 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 representation of the petitioners 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 three months from date of submission of such comprehensive representation by the petitioners.

9. The learned Advocate for the petitioners is directed to communicate this order to the respondent no. 7, Pradhan, Pratapaditya Gram Panchayat, Kakdwip, South 24 Parganas for necessary compliance.

10. It is made clear that this Court has not gone into the merits of this writ petition.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

12. With the aforesaid directions, the writ petition being **WPA 6994 of 2024** is disposed of.

13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)