

**16.05.
2025**

Ct. No. 39

Ab

WPA 6502 of 2025

**Sri Narayan Chandra Patra and others
Vs.**

The State of West Bengal and others.

**Mr. Samir Kumar Adhikari.
... for the petitioners.**

**Mr. Chandi Charan De, Ld. AGP,
Mrs. Reshma Chatterjee.
... for the State.**

**Ms. Tannistha Bandyopadhyay.
... for the respondent nos. 10 to 14.**

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

A writ petition is filed seeking for direction upon the respondent nos. 8 and 9 to demolish the illegal and unauthorized construction undertaken by the private respondents over the land situated at Mouza – Jamagara, JL No. 51, Plot No. 395, measuring more or less 6 decimals of land.

The petitioners contend that the predecessors-in-interest of the petitioners were the co-owners in respect of the aforesaid property in question. The private respondents have undertaken unauthorized construction over the aforesaid plot of land without prior sanction of the building plan by the concerned Gram Panchayat. The petitioners made a representation dated 29th January 2025 before the Pradhan, Amarda Gram Panchayat, Anchal No. 2, with the said allegation,

however, no steps have been taken. Hence, this writ petition.

Mr. Samir Kumar Adhikari, learned Advocate appearing on behalf of the petitioners submit that the private respondent nos. 10, 12, 13 and 14 are forcibly made unauthorized construction over the property in question without sanctioned building plan from the concerned Gram Panchayat. He seeks that the matter may be relegated to the Pradhan for causing enquiry and disposal of the writ petition.

Learned Advocate for the private respondents submit that the private respondents have not made any new construction. The construction has been made way back in the year 2012. No construction has been undertaken by the respondent no. 11 and resides in 'kachha' house.

Learned Advocate for the State leaves the matter to the discretion of the Court.

Having heard learned Advocates for the respective parties, the respondent No. 8, the Pradhan, Amarda Gram Panchayat, Anchal No. 2, is directed to consider and dispose of the representation of the petitioners dated 29th January, 2025 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 petitioner dated 29th 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 petitioners is directed to communicate this order to the respondent No.8, the Pradhan, Amarda Gram Panchayat, Anchal No. 2, along with copy of the representation dated 29th 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 6502 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.)