

26.06.2025

Sl. No.85

Ct. No.42

ss

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

W.P.A. No. 6906 of 2025

Kenaram Naskar

Versus

The State of West Bengal & Ors.

Mr. Rabi Sankar Chattopadhyay
Mr. Sayan Chattopadhyay
... for the petitioner

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
...for the State-respondents

Mr. Sandip Ghosh
... for the respondent no.9

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

This writ petition has been filed seeking for
necessary direction upon the respondent authorities to
consider and dispose of the representation of the
petitioner dated 6th May, 2025.

The petitioner contends that he is the absolute
owner in respect of 6 satak of 'Sali' land lying and
situated at L.R. Dag No.112, J. L. No.37, Mouza
Moushal within the jurisdiction of Kolkata Leather
Complex Police Station, District South 24-Parganas.
The private respondent has made illegal and
unauthorised construction upon encroaching the
portion of land of the petitioner. The petitioner on 6th

May, 2025 made a representation before the Pradhan, Tardaha Gram Panchayat, respondent no.7. However, no step has been taken. Hence this writ petition.

Mr. Rabi Sankar Chattopadhyay, learned Advocate for the petitioner submits that previously in the year 2009 illegal construction was undertaken by the private respondent and was demolished by order of the Pradhan of the local Gram Panchayat. However, recently once again the private-respondent has raised unauthorised construction. The matter was reported to the local Gram Panchayat. However, no step has been taken. He seeks that the matter may be relegated to the Pradhan, Tardaha Gram Panchayat, respondent no.7 to consider and dispose of the representation of the petitioner dated 6th May, 2025.

Mr. Sandip Ghosh, learned Advocate for the private-respondent submits that the work of construction has already been completed upon permission granted by the local Gram Panchayat. He seeks for dismissal of the writ petition.

Mr. Santanu Kumar Mitra, learned Senior Government Advocate appearing on behalf of the State also submits that the matter may be relegated to the Pradhan, Tardaha Gram Panchayat, respondent no.7 to consider and dispose of the representation of the petitioner dated 6th May, 2025.

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

Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 6th May, 2025 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent. 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 6th May, 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 petitioner is directed to communicate this order to the respondent No.7, Pradhan, Tardaha Gram Panchayat along with copy of the representation dated 6th May, 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 6906 of 2025** stands disposed of.

All connected applications, if any, stand 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.)