

09.07.2025
Sl. No. 01.
D/L.
Mithun
Ct.No.42.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8660 of 2023

Smt Sangita Dey
Vs.
The State of West Bengal & Ors.

Mr. Saptarshi Chattopadhyay,
Mr. Sagnik Bhattacharya
..for the petitioner.

Mr. Ivan Roy
...for respondent no.7.

Mr. Lalit Mohan Mahata, Ld. A.G.P.
Mr. Prasanta Behari Mahata
...for the State.

This writ petition is filed seeking direction upon the respondent authorities for considering the representation of the petitioner made through her learned Advocate on 18th March, 2023.

The petitioner contends that she along with her husband purchased a flat in the apartment under the name and style of “*Maya Niketan*” from respondent no.8 in the year 2012 along with proportionate common space area used as garage, staircase and roof right. In the year 2019, the petitioner purchased one shop room in the ground floor of the said building from respondent no.8. As per the plan sanctioned by the Pradhan of local Gram Panchayat, the residential flats were to be constructed in the first floor, second floor and third floor

and the shop rooms in ground floor. However, the respondent no.8 sold a shop room in the ground floor illegally as a residential unit to respondent no.7 and they have also made construction in the common areas. The petitioner through her legal representative and learned Advocate made a representation on 18th March, 2023 before the respondent no.6, Pradhan, Jetia Gram Panchayat. However, since no steps has been taken, hence, this writ petition.

Learned Advocate for the petitioner submits that the respondent no.7 has made construction in the ground floor which is obstructing the common space provided to the petitioner as one of the flat owners in the said apartment. As per the plan, there are no such permission for construction of residential units in the ground floor. He seeks that the representation of the petitioner dated 18th March, 2025 be directed to be considered by the Pradhan of local Gram Panchayat.

Learned Advocate representing respondent no.7 submits that his client has purchased the residential flat in the ground floor of the said apartment as represented by the respondent no.8, promoter on good faith believing it to be a residential unit as per building plan. Prior to purchase of the shop room in the ground floor by the petitioner, the common space was used for keeping and parking vehicles which was never objected to by the petitioner. He indicates that the petitioner has not made any representation in his individual capacity. He seeks

liberty to place relevant records before the Pradhan of local Gram Panchayat in the event the matter is relegated to the Pradhan.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader for the State submits that though the Pradhan has forwarded a report but such report is evasive and does not disclose the deviation, if any, made by the promoter respondent no.7 in constructing the said apartment. He also submits that the Pradhan has to take steps making necessary measurements and also ascertaining the deviation, if any, in the said apartment.

Having heard the learned Advocates for the respective parties, since no representation has been made by the petitioner in his individual capacity, she is granted liberty to file a comprehensive representation before respondent no.6, Pradhan, Jetia Gram Panchayat.

Upon submission of such comprehensive representation, the respondent no.6, Pradhan, Jetia Gram Panchayat shall consider and dispose of the comprehensive representation of 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 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 the comprehensive representation of the petitioner 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 at liberty to produce relevant documents before the authority during 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.

The entire exercise shall be done within a period of two months from the date of submission of the order.

Learned advocate or the petitioner is directed to communicate this order to respondent no.6, Pradhan, Jetia Gram Panchayat for necessary compliance.

With the above direction, the writ petition being **WPA 8660 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

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 this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)