

07.03.2025

9

Ct. no.39

ss

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

W.P.A. 9619 of 2024

Tanmoy Halder

-Vs-

The State of West Bengal & ors.

Ms. Aparajita Mondal

... for the petitioner

Ms. Sucharita Roy

... for the State-respondent

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

This writ petition is filed for removal/demolition of illegal construction of lavatory (*Kuyo Paykhana*) at the subject plot of land measuring about 12.38 *satak* of *Bastu* land lying and situated at R.S. Dag No.650, L.R. Dag No.678, J.L. No.23 in Mouza Chandur within the jurisdiction of Tarakeswar Police Station, District Hooghly.

The petitioner contends that the petitioner is in possession of the aforesaid land as recorded owner by way of inheritance. It is alleged that the private respondent, herein, being an owner of a portion in the selfsame plot of land has undertaken illegal construction of lavatory (*Kuyo Paykhana*) without prior permission and/or sanction from the competent authority. A

representation was made before the Pradhan, Santoshpur Gram Panchayat, the respondent no.7 on 31st March, 2024. However, no steps were taken. Hence, this writ petition.

Ms. Aparajita Mondal, learned Advocate for the petitioner submits that direction be issued upon respondent no.7, Pradhan, Santoshpur Gram Panchayat for consideration and disposal of the representation of the petitioner dated 31st March, 2024.

Despite service none appears on behalf of the State-respondents.

Ms. Sucharita Roy, learned Advocate who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Ms. Sucharita Roy, learned Advocate be regularised by the concerned authority.

Ms. Sucharita Roy, learned Advocate for the State-respondent also submits that the matter may be relegated to the respondent no.7, Pradhan, Santoshpur Gram Panchayat for consideration and disposal of the representation of the writ petitioner.

Considering the submissions advanced by the learned Advocates for the respective parties, the respondent no.7, the Pradhan, Santoshpur Gram Panchayat is directed to consider and dispose of the representation of the petitioners dated 31st March, 2024 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 the representation of the petitioner dated 31st March, 2024 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 four weeks from date of communication of this order.

The petitioners are directed to communicate this order to respondent no.7, the Pradhan, Santoshpur Gram Panchayat along with copy of the representation dated 31st March, 2024.

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

Since affidavits have not been called for, the allegations made in the writ petition are deemed to be not admitted.

With the aforesaid directions, the writ petition being **WPA 9619 of 2024** 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.

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.**)