

27.10.2025
Item No. 21
Ct. No. 42
AN

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

**WPA 11190 of 2024
Sk. Abdul Rashid & anr.
vs.
State of West Bengal & ors.**

Mr. Rama Halder
Ms. Eshita Mondal

... for the petitioner

Mr. Asish Kr. Guha
Mr. Benazir Ahmed

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioners seek for specific direction upon respondent no. 6, the Pradhan, Mohar Gram Panchayet, P.O. Mohar, Police Station Sabang, Dist. Paschim Medinipur to demolish the unauthorised construction undertaken by the private respondents.
3. The petitioners contend that their father purchased 'Shali' land comprised within Dag No. 335, Khatian No. 1012 and 1023 under Mouza Nimki-Mohar measuring more or less 24 decimals of land under Sabang Police Station, District-Paschim Medinipur. After the demise of their father, the petitioners and their another brother inherited the aforesaid property and are in possession of different portions by way of

amicable settlement and are carrying on cultivation in their respective portions. The private respondent nos. 8 and 9 have forcibly constructed a *pucca* house without any sanctioned building plan. On 20th March, 2024, the petitioners made representation before the Pradhan, Mohar Gram Panchayet for redressal of their grievance. However, no steps have been taken. Hence this writ petition.

4. Learned counsel appearing for the petitioners seeks that the matter be relegated to the Pradhan of the local Gram Panchayet to consider and dispose of the representation of the petitioners dated 20th March, 2024.
5. Learned counsel representing the State also submits in the similar fashion.
6. Despite service of notice none appears on behalf of respondent no. 6, the Pradhan, Mohar Gram Panchayet, P.O. Mohar, Police Station Sabang, Dist. Paschim Medinipur and private respondent nos. 8 and 9.
7. Upon hearing learned counsel for the appearing parties, respondent no. 6, the Pradhan, Mohar Gram Panchayet, P.O. Mohar, Police Station Sabang, Dist. Paschim Medinipur is directed to consider and dispose of the representation of the petitioners dated 20th March, 2024 by adopting the following points:

- (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 representation of the petitioner dated 20th 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. 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 communication of this order.
8. Learned advocate for the petitioners is directed to communicate this order to respondent no. 6, Pradhan, Mohar Gram Panchayat.
9. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

10. It is made clear that this Court has not gone into the merits of this writ petition.
11. With the aforesaid directions, the writ petition being no. **WPA 11190 of 2024** stands disposed of.
12. Consequently, all connected applications, if any, also stand disposed of.
13. Interim orders, if any, stand vacated.
14. There will be no order as to costs.
15. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)