

29.10.2025
Item No. 530
Ct. No. 42
AN

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

**WPA 11383 of 2024
Mrinal Kanti Mondal
vs.
State of West Bengal & ors.**

Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti
Ms. Debasree Chatterjee

... for the petitioner

Mr. Santanu Kr. Mitra, Id. Sr. Govt. Adv.
Mr. Amartya Pal

... for the State

Mr. Animesh Mukherjee
Md. Abdul Alim

... for private respondents

1. Report filed by the State pursuant to the order of this Court is taken on record.
2. Affidavit-in-opposition to the writ petition filed by respondent no.10 is taken on record. Copy served.
3. Affidavit-in-reply filed on behalf of the petitioner to the affidavit-in-opposition of respondent no. 10 is taken on record. Copy served.
4. By the present writ petition, the petitioner seeks for specific direction upon respondent no. 6, the Prodhan, Kalagachia Gram Panchayat to take appropriate steps against the unauthorised construction undertaken by the private respondent no. 10, the Headmaster, Baharganj Sitala Primary School over the plot of land belonging to the petitioner.

5. The petitioner contends that he is the owner of the plot situated under LR Plot no. 634/1477 (corresponding to RS Plot No. 634), Mouza Baharganj within JL No. 26, LR Khatian No. 1252. RS Khatian No. 61/2, Police Station Khejuri, District Purba Medinipur. The Baharganj Sitala Primary School is adjacent to the land of the petitioner. A portion of the school building has been constructed over the aforesaid land of the petitioner without any sanction plan and permission from the local Gram Panchayet Gram Panchayet. On 26th February, 2024, the petitioner made representation before the respondent no. 6, the Prodhan, Kalagachia Gram Panchayat for redressal of his grievance, however, no steps have been taken. Hence this writ petition.
6. Mr. Supriyo Chattopadhyay, learned advocate appearing for the petitioner submits that the construction of the building has been made over the land of the petitioner without any sanction plan and/or permission from the authority concerned. From the report of State as well as affidavit-in-opposition, the work of construction has been undertaken as per order of the District Magistrate, Purba Medinipur. However, as per the West Bengal Panchayat Act, 1973, the District Magistrate is not the authority to pass any order granting permission to the School to make construction over the land of the petitioner. He submits that the matter be relegated to

respondent no. 6, the Prodhan, Kalagachia Gram Panchayat to cause enquiry and pass reasoned order in accordance with law.

7. Mr. Santanu Kumar Mitra, learned Senior Government Advocate representing the State submits that prior to making of such construction, a meeting was held between the School Authority and the petitioner. In the aforesaid meeting, the petitioner consented to execute a gift deed for transferring two decimals of land in favour of the School Authority for making of such construction. However, subsequent thereto, the petitioner did not execute the gift deed. Be that as it may, on the consent given by the petitioner, the District Magistrate passed order vide Memo No. 1492/MDM/SSM dated 24th December, 2009 for construction of such building over plot no. 501 and 634 within Mouza Baharganj. Therefore, the contentions raised in the writ petition are short of merit. He seeks for dismissal of the writ petition.
8. Mr. Animesh Mukherjee, learned advocate appearing for respondent no. 10 submits that the writ petition is not maintainable since land specification has not been mentioned in the prayer of the writ petition. He seeks for dismissal of the writ petition.
9. Admittedly, a work of construction has been undertaken over the plot no. 501 and 634 under Mouza Baharganj, Police Station Khejuri, Dist. Purba Medinipur. There is no dispute to the fact that the

petitioner is the owner of the plot being RS Plot No. 634 corresponding to LR Plot No. 634/1477 within Mouza Baharganj. Although, it has been strenuously argued on behalf of the State that as per the order of District Magistrate, such construction has been undertaken, however, neither the State nor respondent no. 10 has produced any document showing permission from the permission granting authority under law for undertaking such work of construction. Thus, it appears to this Court that the contentions raised in the writ petition by the petitioner needs to be enquired into by the local Gram Panchayet.

10. Accordingly, the writ petition is disposed of directing respondent no. 6, the Prodhan, Kalagachia Gram Panchayat to consider and dispose of the representation of the petitioner dated 26th February, 2024 adopting the following procedures:

- (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 26th February, 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.

11. Learned advocate for the petitioner is directed to communicate this order to respondent no. 6, the Pradhan, Kalagachia Gram Panchayat, for necessary compliance.
12. With the aforesaid directions, the writ petition being no. **WPA 11383 of 2024** stands disposed of.
13. Consequently, all connected applications, if any, also stand disposed of.
14. Interim orders, if any, stand vacated.
15. There will be no order as to costs.
16. 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.)