

19.08.2025
Item No. 13
Ct. No. 42
AN

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

WPA 11751 of 2024

**Monirul Sk.
vs.
State of West Bengal & ors.**

Mr. Jyoti Prakash Chatterjee
Ms. Sneha Sanyal
... for the petitioner

Mr. Rajarshi Basu
Mr. Shehnaz Tareq Mina
... for the State

1. Supplementary affidavit submitted by the petitioner is taken on record.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. By the present writ petition, the petitioner seeks for a direction upon the respondent authorities, particularly, respondent nos. 5 and 6 to initiate the demolition proceedings against illegal construction undertaken by private respondent no. 7 over Dag No. 992, J.L. no. 24, Mouza Uttra under Police Station Kalna, Dist. Purba Burdwan.
4. The petitioner contends that private respondent no. 7 has undertaken illegal construction without conversion of the land which is classified as “shali” and without obtaining any sanction building plan. The said

construction has caused obstruction to ingress and egress of the petitioner. The petitioner made a representation on 20th February, 2024. However, no steps have been taken. Hence this writ petition.

5. Learned counsel appearing for the petitioner submits that the entire construction undertaken by the private respondent no. 7 is illegal since the land is classified as “*shali*” against which “*patta*” has been issued in favour of one Swapan Sardar. He seeks that specific direction may be issued upon respondent nos. 5 and 6 to consider the representation of the petitioner.
6. On the contrary, learned counsel representing the State submits that over the dispute, a criminal case has been initiated under Section 107/116(c) of the Criminal Procedure Code.
7. Despite service, none appears on behalf of the Pradhan, respondent no.6 and private respondent no.7.
8. Upon hearing learned counsel for the parties and considering the materials on record, respondent no. 6 is directed to consider the representation of the petitioner by adopting the following points.

(i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent no.7. 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 May, 2023 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 two months from date of communication of this order.

9. Learned advocate for the petitioner shall communicate this order to Pradhan, Sultanpur Gram Panchayat, respondent no.6, for necessary compliance.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. It is made clear that this Court has not gone into the merits of the case.
12. With the aforesaid directions, the writ petition being no. **WPA 11751 of 2024** stands disposed of.
13. Consequently, connected applications, if any, also stand dismissed.

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.)