

24.07.2025
Sl. No.38(DL)
Ct. No.42
ss

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

W.P.A. No. 11024 of 2025

Sk. Sukur Mahammad

Versus

The State of West Bengal & Ors.

Mr. Pampa Dey (Dhabal)

...for the Petitioner.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the State.

Affidavit-of-service is taken on record.

The writ petition is filed seeking direction upon the respondent authorities particularly the respondent No.7, the Pradhan, Galsi Gram Panchayat to stop illegal and unauthorised construction made by the respondent No.9 over the Plot No.1473, Khatian No.6283 of Mouza Galsi, J.L. No.64, Block Galsi-II under Police Station Galsi in the district of Purba Bardhaman.

The petitioner contends that he is the absolute owner of the plot measuring 14 *satak* situated in L.R. Dag No.1483, L.R. Khatian No.5224, 6648, 6653, 6661, and land measuring 10 *satak* situated at L.R. Dag No.1484, L.R. Khatian No.5224, J.L. No.64, Mouza Galsi by way of a sale deed dated 7th December, 2022 executed in his favour. The petitioner upon compliance

of all necessary formalities has constructed his residential house over Dag No.1483, J.L. No.64, under PS Galsi. The respondent No.9 is the adjacent plot owner being Dag No.1473, Khatian No.6283, J.L. No.64, Mouza Galsi, Block Galsi-II under police station Galsi in the district of Purba Bardhaman. The respondent No.9 has started to make construction of a dwelling house on his land which is denoted as *sali* in the record of rights without taking permission and also encroaching and blocking a common public passage of government land situated at Plot No.1488, J.L. No.64 under police station Galsi and has also encroached public domain. The petitioner has filed a title suit being T.S. No. 470 of 2022, before the Civil Judge (Senior Division), 1st Additional Court, Burdwan wherein an order of *status quo* has been passed in respect of Plot No.1488. A representation was made before the respondent No.7, the Pradhan, Galsi Gram Panchayat as well as other respondents, but no steps have been taken. Hence, this writ petition.

Ms. Pampa Dey (Dhabal), learned Advocate appearing for the petitioner submits that the respondent No.9 has undertaken illegal and unauthorised construction over his plot of land encroaching the public passage and drain. She seeks that the matter be relegated to the Pradhan of the local

Gram Panchayat to cause enquiry and dispose of the representation of the petitioner dated 5th May, 2025.

Mrs. Susmita Chatterjee, learned Advocate for the State submits that matter in dispute is civil in nature. Be that as it may, the matter may be relegated to the Pradhan to take necessary steps in accordance with law. She files a report of Officer-in-Charge, Galsi Police Station dated 19th May, 2025 which is taken on record.

Despite service, none appears on behalf of the respondent No.7 and the respondent No.9.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent No.7, Pradhan, Galsi Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 5th May, 2025 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent No.9. 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 5th May, 2025 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.

The learned Advocate for the petitioner is directed to communicate this order to the respondent No.7, Pradhan, Galsi Gram Panchayat along with copy of the representation dated 5th May, 2025.

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

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

With the aforesaid directions, the writ petition being **WPA 11024 of 2025** is disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

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 the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)