

02.09.2025
Sl. No.23(DL)
Ct. No.42
srm

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

W.P.A. No. 13069 of 2024

Ram Chandra Pal

Versus

The State of West Bengal & Ors.

Mr. Jyoti Prakash Chatterjee
...for the Petitioner.

Md. Mansoor Alam
Mr. Subrato Ghosh
...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities particularly respondent Nos.5 and 6 for initiating necessary steps against the private respondent No.7 who has undertaken illegal and unauthorised construction over Dag No.3943/4133, J.L. No.68, Mouza-Moynaguri under Kalna Police Station, District-Purba Bardhaman.
3. The petitioner contends that the private respondent No.7 has undertaken illegal construction over the aforesaid property which is originally vested with the Government of West Bengal and used as village road and is adjacent to the residential area of the petitioner. Such construction, undertaken by the

private respondent, has obstructed the petitioner's ingress and egress in his own premises as well as village road situated on the aforesaid property. The petitioner made representation on 18th March, 2024 before the local gram panchayat. However, no steps have been taken. Hence, this writ petition.

4. Mr. Jyoti Prakash Chatterjee, learned Advocate for the petitioner submits that the illegal construction undertaken by the private respondent No.7 has obstructed the ingress and egress of the petitioner. He seeks that the matter be relegated to the local gram panchayat for considering the representation of the petitioner.

5. Md. Mansoor Alam, learned Advocate for the State also concedes that the matter be relegated to the local gram panchayat.

6. Despite service, none appears on behalf of the respondent No.6 and the private respondent No.7.

7. In view of the above and considering the submissions advanced by learned Advocates for the appearing parties, the respondent No.6, Pradhan, Baradhamas Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 18th March, 2024 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.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 18th 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. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.6, Pradhan, Baradhamas Gram Panchayat along with copy of the representation dated 18th March, 2024.

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

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

11. With the aforesaid directions, the writ petition being **WPA 13069 of 2024** is disposed of.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)