

03.09.2025
Sl. No.22(DL)
Ct. No.42
srm

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

W.P.A. No. 12850 of 2025

Hari Singh & Ors.

Versus

**The Secretary Panchayat and Rural
Development & Ors.**

Mr. Koushik Dey,
Mr. Chitrak Biswas

...for the Petitioners.

Mr. Dipanjan Datta,
Mr. Subhajit Chowdhury

...for the State.

Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh,
Ms. Swastika Chowdhury,
Ms. Khadijatul Kubra,
Mr. Anish Goswami,
Mr. Avijit Chatterjee

...for the Respondent Nos.13 to 15.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek direction upon the respondent authorities to dismantle and remove the unauthorised construction undertaken by the private respondent Nos.13 to 15.
3. The petitioners contend that the work of construction undertaken by the private respondents has blocked the passage of the local people through Plot No.96/678 which is a road used by common

villagers and Plot No.96 which has been recorded as the '*pukurpar*' in Mouza-Nachhipur, J.L. No.146, Block-Keshiary. Representation was made by the petitioners through their learned Advocate on 31st May, 2025 for redressal of their grievances. However, no steps have been taken. Hence, this writ petition.

4. Mr. Koushik Dey, learned Advocate for the petitioners submits that the private respondents have undertaken illegal construction without obtaining sanctioned building plan which has obstructed the free ingress and egress of the petitioners through the common village pathway. He seeks that the matter be relegated to the Pradhan, Nachhipur Gram Panchayat, respondent No.4 for considering such representation.
5. Mr. Dipanjan Datta, learned Advocate for the State submits that the private respondents have already dismantled the cantilever portion which was extended over the adjacent village *moram* road. He files a report submitted by the Inspector-in-Charge, Keshiary Police Station, Paschim Medinipur dated 19th June, 2025 which is taken on record.
6. Mr. Amit Ranjan Pati, learned Advocate for the private respondent Nos.13 to 15, on the contrary, submits that the construction has been undertaken of a temple of a private deity by the private respondents over their own land. There is no

encroachment as has been raised in the writ petition. The cantilever portion has already been removed by the private respondents. However, he also seeks that the matter be enquired by the local gram panchayat.

7. It is found that no such comprehensive representation has been made by the petitioners in their individual capacity. The petitioners are granted liberty to file a comprehensive representation before the respondent No.4, Pradhan, Nachhipur Gram Panchayat.

8. Upon submission of such comprehensive representation by the petitioners, the respondent No.4, Pradhan, Nachhipur Gram Panchayat shall consider and dispose of the said comprehensive representation of the petitioners by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners as well as private respondent Nos.13 to 15. 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 petitioners 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 submission of such representation.

9. The learned Advocate for the petitioners is directed to communicate this order to the respondent No.4, Pradhan, Nachhipur Gram Panchayat.

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

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

12. With the aforesaid directions, the writ petition being **WPA 12850 of 2025** is disposed of.

13. Interim order, if any, stands vacated.

14. All connected applications, if any, stand disposed of.

15. There shall be no order as to costs.

16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

17. 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.)