

12.09.2025

Sl. No.13

Ct. No.42

ss

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

W.P.A. No. 13058 of 2025

Pintu Gorain

Versus

The State of West Bengal & Ors.

Mr. Anindya Sundar Das

Mr. Sujit Bhuniya

Mr. Syed Ali Afzal

Ms. Paramia Mondal

Mr. Suman Halder

... for the petitioner.

Mr. Vinit Kumar Choubey

... for the respondent no.3

Mr. Debraj Sahu

Mr. Biswajit Goswami

... for the private respondent nos.6 to 9

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 to take appropriate steps against illegal construction undertaken by private respondents.
3. The petitioner contends that he is the resident of Bhagabandh village and lives within the jurisdiction of Anara Gram Panchayat. Construction of two-storeyed building has been made by the private respondents over the plot of land situated at L.R. Dag No.5500 within Khatian Nos.1806, 1807, 1808

and 1809 under Mouza Bhagabandh, J.L. No.88 without any valid sanction plan. The petitioner made a representation before the local Gram Panchayat. However, no steps have been taken. Hence, this writ petition.

4. Mr. Anindya Sundar Das, learned advocate for the petitioner submits that the petitioner being a resident of the locality and as a good samaritan he has brought the aspect of illegal construction of the private respondents to the notice of the local Gram Panchayat. He seeks for direction upon respondent no.3, Pradhan, Anara Gram Panchayat to cause enquiry.
5. Mr. Vinit Kumar Choubey, learned Advocate representing the respondent no.3, the Pradhan, Anara Gram Panchayat submits that upon enquiry undertaken by the local Gram Panchayat, it is found that such building is about 40 years old.
6. Mr. Debraj Sahu, learned Advocate representing the private-respondent nos.6 to 9 submits that it is an old structure of more than 50 years. There was a dispute with regard to recording in the Record of Rights. The petitioner made an application before the Block Land and Land Reforms Officer, Para C.D. Block, Purulia for correction of Record of Rights, which has been rejected in the year 2024 and in counter blast to the same the present writ petition has been filed. However, he submits that an enquiry

may be conducted with regard to the issues as raised in the writ petition by the local Gram Panchayat if the Hon'ble Court so directs.

7. Despite service none appears on behalf of the State-respondent.
8. In view of the above, the writ petition being **WPA 13058 of 2025** is disposed of by directing the respondent no.3, the Pradhan, Anara Gram Panchayat to consider and dispose of the representation of the writ petitioner dated 21st May, 2025, in accordance with law by adopting the following procedure:
 - (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 representations of the petitioner dated 21st 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 three months from date of communication of this order.
9. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.3, the Pradhan, Anara Gram Panchayat along with copy of the representation dated 21st May, 2025.
 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. 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.)