

12.09.2025
Sl. No.14
Ct. No.42
ss

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

W.P.A. No. 13221 of 2025

Sahanur Molla

Versus

The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Mr. Imdadul Biswas
Mr. Iqra Rahaman
... for the petitioner.

Mr. Supriya Chatterjee
Mr. Sutanu Chakrabarti
... for the State

Mr. Kallol Kumar Basu
Mr. Jannat ul Firdose
Mr. Rajsekhar Hota
... for the respondent nos.8 & 9

1. By the present writ petition the petitioner seeks direction upon respondent nos.5 and 6 to take necessary action for demolition of illegal construction undertaken by private-respondent nos.8 and 9 over the plot No.810 at Mouza Pifa, J.L. No.73, Police Station Basirhat, District North 24-Parganas measuring about 2 decimals out of 7 decimals situated beside the PWD road and to consider the representation of the petitioner dated 3rd June, 2025 (Annexure P4).
2. Petitioner contends that the predecessor-in-interest of the petitioner namely, his father Fazlur Rahaman

Molla, since deceased, was recorded owner in respect of the plot Nos.810 and 811, Mouza Pifa, J.L. No.73, Police Station Basirhat. The Plot No.810 is classified as '*Burial Ground*' measuring 2 decimals out of 7 decimals. The private respondent has made illegal construction over the aforesaid plot of land without obtaining any permission from the concerned Gram Panchayat. The petitioner made a representation on 3rd June, 2025. However, no steps have been taken. Hence, this writ petition.

3. Mr. Mohinoor Rahaman, learned Advocate for the petitioner submits that the representation of the petitioner be relegated to the Pradhan, Pifa Gram Panchayat, respondent no.5 to cause an enquiry and dispose of the same, in accordance with law.
4. Mr. Kallol Kumar Basu, learned Advocate representing the private respondent nos.8 and 9 submits that the private respondents have already transferred their share in the land in favour of one Nur Zahan Bibi. Therefore, the allegation made in the writ petition is not at all acceptable. He seeks for dismissal of the writ petition.
5. Mr. Supriya Chatterjee, learned Advocate for the State submits that since the dispute has been raised in the writ petition regarding illegal construction, the same should be enquired by the local Gram Panchayat.

6. Considering the submissions advanced on behalf of the appearing parties, the writ petition being **WPA 13221 of 2025** is disposed of by directing the respondent no.5, the Pradhan, Pifa Gram Panchayat to consider and dispose of the representation of the writ petitioner dated 3rd June, 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 3rd June, 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.
7. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.5, the Pradhan, Pifa Gram Panchayat along with copy of the representation dated 3rd June, 2025.
 8. It is made clear that this Court has not gone into the merits of this writ petition.
 9. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
 10. Interim order, if any, stands vacated.
 11. All connected applications, if any, stand disposed of.
 12. There shall be no order as to costs.
 13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
 14. 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.)