

14.02.2025

8

Ct. no.39

ss

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

W.P.A. 14560 of 2024

Basudeb Dey

-Vs-

The State of West Bengal & ors.

Ms. Aparajita Mondal

Mr. Biplab Adak

... for the petitioner

Ms. Sabnam De Bardhan

... for the State-respondent

Mr. H.K. Mahala

Mr. Z. Hoque

Syed Munshid Alam

Sk. Abdulla

Md. Kalam

Mr. Subrata Ghosh

... for respondent no.10

Affidavit of service filed on behalf of the petitioner is taken on record.

This writ petition has been filed seeking direction upon the respondent no.8, the Pradhan, Dasghara-I Gram Panchayat, P.O. Kananadi, Police Station Dhaniakhali, District Hooghly to consider and dispose of the representation of the petitioner dated 16th May, 2024.

The writ petitioner alleges of illegal unauthorized construction over the plot No.155. Class Sali in Mouza Dasghara within Police Station Dhaniakhali, District Hooghly by the private respondent. The petitioner made representation before the Pradhan, Dasghara-I Gram

Panchayat, respondent no.8, however, the same has not been considered. Hence, this writ petition.

Ms. Aparajita Mondal, learned Advocate appearing on behalf of the petitioner submits that the private respondent has made unauthorized construction encroaching the portion of the common passage. She prays for a direction upon the respondent no.8, the Pradhan, Dasghara-I Gram Panchayat to consider and dispose of the representation of the petitioner dated 16th May, 2024 submitted in the regard.

Mr. H. K. Mahala, learned Advocate appearing on behalf of the private-respondent no.10 submits that the work of construction by the private respondent has been undertaken taking permission granted by the local Gram Panchayat. Hence, the writ petition falls short of merit. He files copy of the permission granted by the concerned Gram Panchayat, which is taken on record.

Ms. Sabnam De Bardhan, learned Advocate appearing on behalf of the State-respondent submits that upon receipt of the representation of the petitioner, notices were issued to the respective parties but the parties were not appearing before the concerned Pradhan. Due to such reason, the representation could not be disposed of as yet. However, she submits that the matter may be relegated to the Pradhan, Dasghara-I Gram Panchayat, respondent no.8, to consider and dispose of the representation and parties be directed to appear on

the date fixed. She files a copy of the report furnished by Officer-in-Charge, Dhaniakhali Police Station, Hooghly Rural Police District dated 24th May, 2024, which is taken on record.

Considering the submissions advanced at the Bar, the respondent No.8, the Pradhan, Dasghara-I Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 16th May, 2024 by passing a reasoned order after giving opportunity of hearing to all the interested parties including the petitioner, upon prior notice to the parties, within a period of four weeks from the date of communication of this order in accordance with law.

The reasoned order shall be communicated to the petitioner within a period of one week from the date of passing of such reasoned order.

Since affidavits have not been called for, the allegations made in the writ petition are deemed to be not admitted.

Petitioner is directed to communicate this order to respondent no.8, Pradhan, Dasghara-I Gram Panchayat annexing copy of representation dated 16th May, 2024.

With the aforesaid directions, the writ petition being **WPA 14560 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

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.**)