

14.08.2025
Sl. No.26(DL)
Ct. No.42
srm

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

W.P.A. No. 13259 of 2025

Sk. Md. Rafikul Islam

Versus

The State of West Bengal & Ors.

Mr. Sandip Ghosh,
Mr. Partha Sarkar

...for the Petitioner.

Md. Ahsanuz Zaman

...for the State.

By the present writ petition, the petitioner seeks direction upon the respondent authorities particularly respondent Nos.5 and 6 to consider the representation of the petitioner dated 30th May, 2025 (Annexure P/8).

The petitioner alleges of unauthorised and illegal construction by private respondent No.7 over the land of the petitioner comprised within Plot Nos.2183 and 2184 situated within Mouza Uttarbar, J.L. No.222, Khatian No.2046, Police Station Daspur, District-Paschim Medinipur. Representation was made before the local gram panchayat alleging of such illegal and unauthorised construction by the private respondent No.7, however, no steps have been taken. Hence, this writ petition.

Mr. Sandip Ghosh, learned Advocate for the petitioner submits that the respondent No.6, Pradhan,

Kheput Dakshinbar No.7 Gram Panchayat be directed to consider the representation of the petitioner dated 30th May, 2025. He also informs the Court that there is no order of injunction passed in Title Suit No.101 of 2017 and Title Suit No.103 of 2017 both pending before the learned Civil Judge (Junior Division), Ghatal, Paschim Medinipur.

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

State is unrepresented.

Md. Ahsanuz Zaman, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. Let the appointment of Md. Ahsanuz Zaman be regularised by the concerned authority.

Let a copy of the writ petition along with annexure be served upon the learned Advocate for the State respondent.

Learned Advocate for the State also submits that the representation be sent to the respondent No.6, Pradhan of the local gram panchayat for consideration.

In view of the above and considering the submissions advanced by learned Advocates for the appearing parties, the respondent No.6, Pradhan, Kheput Dakshinbar No.7 Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 30th May, 2025 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 30th 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 two months from date of communication of this order.

The learned Advocate for the petitioner is directed to communicate this order to the respondent No.6, Pradhan, Kheput Dakshinbar No.7 Gram Panchayat along with copy of the representation dated 30th May, 2025.

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

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

With the aforesaid directions, the writ petition being **WPA 13259 of 2025** is disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

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

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.)