

24.10.2025
Item No. 10
Ct. No. 42
AN

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

**WPA 13618 of 2025
Babar Ali Mondal
vs.
State of West Bengal & ors.**

Md. Shamiuddin
Sk. Samiul Haque

... for the petitioner

Mr. Asish Kr. Pal
Mr. Bishnupada Jana

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Learned counsel appearing for the petitioner at the outset submits that the alleged construction is below 6.5 meters and as such respondent no. 2, the Chairman, Zilla Parishad, North 24 Parganas is not a necessary party. He seeks for expunging the name of respondent no. 2, the Chairman, Zilla Parishad, North 24 Parganas from the array of parties.
3. Learned counsel representing the State does not raise any objection.
4. Accordingly, the name of the respondent no. 2, the Chairman, Zilla Parishad, North 24 Parganas stands expunged.

5. By the present writ petition, the petitioner seeks for demolition of illegal construction undertaken by the private respondent nos. 7 to 10.
6. The petitioner contends that he is the resident of village Purba Changdana, Gobra Para, Police Station Deganga, Dist. North 24 Parganas. The private respondents illegally constructed an one-storied building over plot nos. 62 and 63 which is classified as “*doba*” without obtaining sanctioned plan or requisite permission from the competent authority. The private respondents have further extended their illegal construction and encroached upon the petitioner’s land which is classified as “*Path*” thereby obstructing the petitioner’s right to free ingress and egress. The construction has been undertaken by the private respondents illegally and unauthorisedly. The petitioner made representation before the concerned local Gram Panchayet as well as other authorities on 17th April, 2024 for redressal of his grievance, however, no steps have been taken. Hence the writ petition.
7. Learned counsel appearing for the petitioner seeks that the matter be relegated to the Pradhan of the local Gram Panchayet to cause enquiry and to consider the representation of the petitioner.
8. Learned counsel representing the State also submits in the similar fashion.

9. Despite service of notice none appears on behalf of respondent no.4, the Pradhan, Berachapa No. 1 Gram Panchayet and private respondent nos. 7 to 10.
10. Upon hearing learned counsel for the appearing parties respondent no.4, the Pradhan, Berachapa No.1 Gram Panchayet is directed to consider the representation of the petitioner by adopting the following points:
 - (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 representation of the petitioner dated 17th April, 2024 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.
11. Learned advocate for the petitioner is directed to communicate this order to respondent no.4, the Pradhan, Berachapa No. 1 Gram Panchayet.
 12. With the aforesaid directions, the writ petition being no. **WPA 13618 of 2025** stands disposed of.
 13. Consequently, all connected applications, if any, also stand disposed of.
 14. Interim orders, if any, stand vacated.
 15. There will be no order as to costs.
 16. All parties to act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.
 17. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)