

21.05.2025
Sl. No.195.
D/L.
Mithun
Ct.No.39.

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

WPA 14723 of 2024

**Kanika Construction Pvt. Ltd.
Vs.
Howrah Zilla Parishad & Ors.**

Mr. Anjan Bhattacharya,
Mr. Sunny Nandy

...for the petitioner

Ms. Mekhla Sinha,
Ms. Malabika Roy Dey

...for respondent nos.1 and 2.
(Howrah Zilla Parishad)

Mr. Nikhil Kumar Gupta

...for the State

This writ petition has been filed seeking direction upon respondent authority for demolition and removal of illegal unauthorized construction undertaken by the private respondents over the plot of land measuring 235 decimals comprised within L.R. Dag No.2004, 2006 and 2008 under L.R. Khatian no.7328 at Mouza-Duliya, J.L. No.35, P.S. Sankrail, District-Howrah.

The petitioner contends that it is the owner of the aforesaid property-in-question and the land has been duly mutated in the name of the petitioner. The private respondent nos.10 to 42 having no right, title and interest over the said property has illegally trespassed into the land belonging to the petitioner and made unauthorized construction over the plot of land in

question belonging to the petitioner. The petitioner has made representation before the concerned authorities on 30th April, 2024 for redressal of its grievance but no steps has been taken as yet. Hence, this writ petition.

Mr. Anjan Bhattacharya, learned Advocate appearing for the petitioner submits that such illegal unauthorized construction has been brought to the notice of the Pradhan as well as the Block Development Officer. Since the occupants have also obtained electricity connection, the Divisional Manager, West Bengal State Electricity Distribution Company Limited was informed of the fact. However, no steps has been taken. Hence, the petitioner is constrained to file this writ petition. He seeks that the representation of the petitioner dated 30th April, 2024 be relegated to the appropriate authority for consideration and dispose.

Ms. Mekhla Sinha, learned Advocate appearing for respondent nos.1 and 2, Howrah Zilla Parishad also submits that the matter may be relegated to the Pradhan of the local Gram Panchayat for causing enquiry and considering the representation of the petitioner.

In view of the above submissions, the respondent no.4, Pradhan, Duliya Gram Panchayat, Andul Mauri, Dulliya, Howrah is directed to consider and dispose of the representation of the petitioner dated 30th April, 2024 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 the representation of the petitioner dated 30th 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.
- (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 petitioner is directed to communicate this order to respondent no.4, Pradhan, Duliya Gram Panchayat, Andul Mauri, Dulliya, Howrah along with copy of the representation dated 30th April, 2024.

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

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

With the above observation, the writ petition being **WPA 14723 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

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 this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)