

07.03.2025

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Ct. no.39

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

W.P.A. 15401 of 2024

**Narayan Chandra Halder
-Vs-
The State of West Bengal & ors.**

Mr. Pradip Kumar Mondal

Mr. Arka Mondal

... for the petitioner

Ms. Sucharita Roy

... for the State-respondent

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

This writ petition is preferred seeking direction upon the respondent nos.8, 9 and 10 to demolish the illegal construction undertaken by the private-respondent nos.11, 12 and 13 over the land-in-question lying and situated at Plot No.431, Khatian No.481, 1092, J.L. No.155, under Mouza Boria, Police Station-Diamond Harbour, 24 Parganas (South).

The petitioner contends that the plot no.431 measures 38 decimals out of which the petitioner is possessing 19 decimals of land. The private-respondents are making unauthorized construction over the property-in-question. Representations were made before the local Gram Panchayat on 13th May, 2024 alleging of such illegal construction, however, no steps have been taken as yet. Hence, this writ petition.

Mr. Pradip Kumar Mondal, learned Advocate for the petitioner submits that the respondent no.9, the Pradhan, Bolsiddhi-Kalinagar Gram Panchayat be directed to consider and dispose of the representation of the petitioner dated 13th May, 2024.

Ms. Sucharita Roy, learned Advocate representing the State-respondents also submits that the matter be relegated to the respondent no.9, the Pradhan, Bolsiddhi-Kalinagar Gram Panchayat for consideration and disposal of the representation of the petitioner. She files a report submitted by Inspector-in-Charge, Diamond Harbour Police Station dated 24th June, 2024, which is taken on record.

Considering the submissions advanced by the learned Advocates for the respective parties, the respondent no.9, the Pradhan, Bolsiddhi-Kalinagar Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 13th May, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners 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 13th May, 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 petitioners are directed to communicate this order to respondent no.9, the Pradhan, Bolsiddhi-Kalinagar Gram Panchayat along with copy of the representation dated 13th May, 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 aforesaid directions, the writ petition being **WPA 15401 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.**)