

10.03.2025
Sl. 7
AMR
Ct.No.-39

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

WPA 15720 of 2024

**Aftar Hossain
Vs.**

Mathurapur Gram Panchayat & Ors.

Mr. Kajal Ray
Mr. Suman Nandi

...for the petitioner

Mr. Aditya Sen

...for the respondent no. 2.

Mr. Arindam Mitra

...for the State

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

This writ petition has been filed for removal/demolition of unauthorized construction undertaken by the private respondent over L.R. Dag no. 647, and 648 measuring 9 decimals and 6 decimals respectively situated at Mouza Kamalpur, R.S Khatian no. 220, L.R Khatian No. 273, J.L no. 25

The petitioner contends that the private respondents have made unauthorized construction of eight *Pucca* shop room encroaching the aforesaid land of the petitioner without any sanctioned building plan and the said construction have blocked the road side

front of the property-in-question. A representation was made before the respondent no. 2, Pradhan, Mathurapur Gram Panchayat on 2nd May, 2024. However, no steps has been taken in this regard. Hence, this writ petition

Mr. Kajal Ray, learned advocate appearing for the petitioner submits that a direction be issued upon the respondent no. 2, Pradhan, Mathurapur Gram Panchayat for considering the representation of the petitioner dated 2nd May, 2024.

Mr. Aditya Sen, learned advocate appearing for the respondent no. 2, Pradhan, Mathurapur Gram Panchayat submits that notice has already been issued to the private respondents pursuant to submission of the representation by the petitioner.

None appears on behalf of the State-respondent. Mr. Arindam Mitra, learned advocate, who usually appears on behalf of the State/respondent, is requested to appear in this matter. Let the appointment of Mr. Arindam Mitra be regularized by the concerned authority.

Learned advocate for the State-respondent also submits that the matter may be relegated to the Pradhan, Mathurapur Gram Panchayat for

consideration of the representation of the petitioner dated 2nd May, 2024.

Upon considering the submission made by the learned advocate for respective parties, respondent no.2, Pradhan, Mathurapur Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 2nd 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 respondent no.6. 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 2nd 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.*

Learned advocate for the petitioner is directed to communicate this order to respondent no. 2, Pradhan, Mathurapur Gram Panchayat along with copy of representation dated 2nd May 2024.

It is made clear that this Court has not gone into the merits of the case and all points are kept open for consideration by the respective authorities.

With the above directions, this writ petition being no. W.P.A 15720 of 2024 stands disposed of along with all connected applications, if any.

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 copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)