

10.07.2025

Ct. no.42

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

W.P.A. 16038 of 2024

Pradip Majhi @ Tapan Majhi & Anr.

-Vs-

The State of West Bengal & ors.

Mr. Arindam Chatterjee

... for the petitioners

Mr. Syed Samsul Arfin,

Mr. Rajsekhar Basu

... for the State

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

Report in the form of affidavit filed by the State is
also taken on record.

This writ petition is filed seeking direction upon the
respondent authorities to take necessary steps for
demolition of the illegal and unauthorized construction
undertaken by the private respondent No. 10 causing
obstruction to the ingress and egress of the petitioners to
their land lying and situated at Dag Nos. 570 and 575, J.
L. No. 101, Khatian No. 20, at Raypur Dayarampur,
Village- Dayarampur, P.S.- Mandirbazar, District-South
24 Parganas.

Learned advocate for the petitioners submits that
due to such illegal and unauthorized construction
undertaken by the private respondent, the petitioners'
ingress and egress to their property have been obstructed.

The petitioners made a representation through their learned advocate before the Pradhan, Gabberia Gram Panchayat, Mandirbazar, South 24 Parganas, respondent no. 8 on 14th May, 2024. However, no steps have been taken as yet. Hence this writ petition.

Learned advocate for the State submits that such construction has been undertaken by the private respondent, which is obstructing the ingress and egress of the petitioners.

Despite service, none appears on behalf of the private respondent.

Upon perusal of the report filed by the State, it is found that the private respondent no. 10 has constructed a temple and a permanent structure by obstructing the passage for ingress and egress of the petitioners.

Accordingly, the petitioners are granted liberty to file a comprehensive representation before the Pradhan, Gabberia Gram Panchayat, Mandirbazar, South 24 parganas, respondent no. 8.

Upon submission of such comprehensive representation, respondent no.8, Pradhan, Gabberia Gram Panchayat shall dispose of the representation of the petitioners by adopting the following procedures:

- (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 comprehensive representation of the petitioner 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 at liberty to produce relevant documents before the authority during 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.

The entire exercise shall be done within a period of two months from the date of submission of the comprehensive representation.

Petitioners are directed to communicate this order to respondent no. 8, Pradhan, Gabberia Gram Panchayat, Mandirbazar, South 24 parganas.

Since no affidavits have 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 16038 of 2024** 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.)