

22.07.2025
Sl. No. 43(DL)
Ct. No.42
ab

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

WPA 16938 of 2024

Prasanta Kumar Gayen

Versus

The State of West Bengal & Ors.

Ms. Pampa Dey Dhabal,
Ms. Sangita Banerjee

...for the Petitioner.

Ms. Jayeeta Sinha,
Mr. Ranjit Rajak

...for the State.

Mr. Sounak Bhattacharya,
Mr. Abhirup Halder

...for the Respondent No.12

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

On the prayer of the learned advocate for the
petitioner, leave is granted to correct the presentation
form and the cause title of the writ petition mentioning
the correct Group under the Classification List.

The writ petition is filed seeking direction upon
the respondent authorities to demolish the illegal
construction made by the private respondent no. 12.
The petitioner contends that the petitioner and the
private respondent no. 12 have inherited the property-
in-question from their predecessor-in-interest and they
are the co-sharers of the property comprised within

Mouza-Chandanpukur, Block-Baruipur, J. L. No. 60, Dag No. 696, P.O. Dakshin Durgapur, P.S. Baruipur, district-South 24 parganas. The private respondent no. 12 unlawfully and illegally has made two-storied building over the property-in-question without obtaining any sanctioned building plan from the local Gram Panchayat. Representation was made on 10th June, 2024 before the local Gram Panchayat with the allegation of such unauthorized and illegal construction made by the respondent no. 12, however, no steps have been taken, hence this writ petition.

Ms. Pampa Dey Dhabal, learned Advocate for the petitioner submits that the petitioner obtained information under the Right to Information Act, which clearly shows that no such building plan has been accorded in favour of the private respondent no. 12 and as such, the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat, Baruipur be directed to cause an enquiry in respect of the representation made by petitioner on 10th June, 2024,

Learned Advocates for the State submits that there is property dispute by and between the parties. Over such dispute, criminal cases have been initiated, which are still pending. The petitioner has also submitted complaint before the the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat, Baruipur alleging of such illegal and unlawful construction made

by the private respondent no. 12. She also submits that the matter be relegated to the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat, Baruipur for causing an enquiry in respect of the representation made by the petitioner. She files a report dated 15th July, 2025 furnished by Inspector-in-Charge, Baruipur Police Station, South 24 Parganas, which is taken on record.

Mr. Sounak Bhattacharya, learned advocate for the respondent no. 12 submits that his client has made construction on the basis of sanctioned building plan and conversion certificate issued by the concerned authority. He also submits that the matter be relegated to the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat, Baruipur for causing an enquiry in respect of the representation made by the petitioner with liberty to produce relevant documents before the said authority.

Despite service, none appears on behalf of the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat, Baruipur.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat, Baruipur is directed to consider and dispose of the representation of the

petitioner dated 10th June, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent No. 12. 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 10th June, 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 two months from date of communication of this order.

The learned Advocate for the petitioner is directed to communicate this order to the respondent no. 11, Pradhan of Shikharbali-II Gram Panchayat,

Baruipur along with copy of the representation dated 10th June, 2024 for necessary compliance.

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

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

With the aforesaid directions, the writ petition being **WPA 16938 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.)