

12.09.2025
Sl. No.18(DL)
Ct. No.42
srm

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

W.P.A. No. 15884 of 2025

Khokan Patra & Anr.

Versus

The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha

...for the Petitioners.

Ms. Noelle Banerjee

...for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek direction upon the respondent authorities particularly respondent Nos.3 to demolish the illegal construction undertaken by the private respondent No.5 over Plot No,240, Mouza-Kumarpur, J.L. No.168, P.O. Dumdan, District-Purba Medinipur.
3. The petitioners contended that petitioner No.1 is the President of Managing Committee of Hateswar High School (H.S.) and the petitioner No.2 is the Teacher-in-Charge of the said school. The private respondent no.5 has made illegal and unauthorised construction over land classified as "*Pukurpar*" encroaching the path used by the school authorities from the school building to its hostel, without

obtaining sanctioned building plan from the local gram panchayat and converting the nature of land. A representation was made by the petitioner No.2 before respondent no.3, Pradhan, Hour Gram Panchayat on 19th June, 2025. However, no steps have been taken. Hence, this writ petition.

4. Mr. Dilip Kumar Sinha, learned advocate for the petitioners seeks that the representation of the petitioners be relegated to the Pradhan of the local gram panchayat for enquiry and disposal.
5. Ms. Noelle Banerjee, learned Advocate for the State also submits that the matter be sent to the Pradhan of Hour Gram Panchayat to cause enquiry in respect of allegation raised by the writ petitioners.
6. Despite service, none appears on behalf of the respondent No.3, Pradhan, Hour Gram Panchayat and private respondent No.5.
7. Considering the submissions advanced by learned Advocates for the appearing parties, the respondent No.3, Pradhan, Hour Gram Panchayat is directed to consider and dispose of the representation of the petitioner No.2 dated 19th June, 2025 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.5. 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 No.2 dated 19th June, 2025 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 three months from date of communication of this order.
8. The learned Advocate for the petitioners is directed to communicate this order to the respondent No.3, Pradhan, Hour Gram Panchayat along with copy of the representation dated 19th June, 2025.
9. It is made clear that this Court has not gone into the merits of this writ petition.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. With the aforesaid directions, the writ petition being **WPA 15884 of 2025** is disposed of.
12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)