

**Court No. 8
29.07.2025**

**(Item No. 39
PA (Chamber))**

WPA (P) No. 270 of 2025

**Sri Goutam Sarkar and Ors.
Vs.
The State of West Bengal & Ors.**

Ms. Tulshi Das Ray
Mr. Tirthankar Roy

... for the petitioner

Mr. Jahar Lal De, AGP
Ms. Mrinalini Majumdar

... for the State

1. Heard Mr. Tirthankar Roy, Learned Counsel appearing on behalf of the petitioner as well as Mr. Jahar Lal De, the Learned Counsel appearing on behalf of the State Respondents.

2. The instant Writ Petition is in the nature of public interest litigation being filed by the petitioner praying inter alia for the following relief(s):-

“a) Writ in the nature of Mandamus commanding the respondents to show cause as to why the unauthorized and illegal construction made by the private respondent over and above the panchayat/ public road attached to Dag No. 1092, Khatian No. 148 of Mouza – Uttampur, J.L. No. 88, under Karimpur-II Gram Panchayat, District – Nadia, should not be demolished.

b) Writ of Mandamus commanding the respondents to take appropriate steps against the private respondent for unauthorized construction and to demolish the unauthorized construction forthwith.

c) Writ of Mandamus commanding the respondents to demolish the illegal construction made by the private respondent in Dag No. 1092, Khatian No. 148 of Mouza – Uttampur, J.L. No. 88,

under Karimpur-II Gram Panchayat, District – Nadia.

d) Writ or Prohibition, prohibiting the respondents for making any illegal construction on the aforesaid plot of land as well as over the road.

e) Writ in the nature of Certiorari directing the respondents to produce all relevant records and documents relating to the aforesaid case so that the conscionable justice may therein be administered.

f) Rule Nisi in terms of prayer (a), (b), (c), (d) and (e) as above.

g) Cost and incidental charges to this petition.

h) Ad interim order of injunction restraining the Private Respondent nos. 6 not to make any further land in Dag No. 1092, Khatian No. 148 of Mouza – Uttampur, J.L. No. 88, under Karimpur-II Gram Panchayat, District – Nadia as well as over and above the Panchayat Road and also directing the respondent No. 5 to stop illegal construction made by the private respondent on the aforesaid plot of land as well as over the Panchayat Road forthwith and take immediate legal steps against the private respondent for such unauthorized construction.

i) Any other order or order, direction or directions as this Hon'ble Court may deem fit and proper."

3. Apropos the facts of the case to be very precise is that the private respondent No. 6 has constructed his house over and above the Panchayat Road illegally and unauthorisedly without any sanction plan.

4. The petitioner submits that a representation was made before the Karimpur-II Gram Panchayat, being the respondent No. 4 herein against the private respondent No.6 for such unauthorized

construction. The Panchayat Pradhan being the respondent No. 5 had issued a notice dated 07.08.2024 to the private respondent No. 6 directing him to stop such illegal and unauthorized construction.

5. It is further submitted that despite such issuance of notice the private respondent No. 6 had already constructed the house over and above the Panchayat Road. Such encroachment of the road has put the public at large to suffer badly creating problem for the ingress & egress of the local people.

6. The petitioner further submits that repeated representations has been made to the Panchayat authority but till date no effective steps have been taken for demolishing the unauthorized construction.

7. Considering the aforesaid, we deem it proper to dispose of this PIL by directing the petitioners to make a fresh representation before the respondent No. 5. The respondent No. 5 shall provide fresh hearing to the petitioners and to the concerned parties and take a decision on such representation in accordance with law within a period of 90 days from the date of communication of this order from the date of receipt of this order. A copy of such decision taken by the Pradhan shall be provided to the petitioner forthwith.

8. This PIL is disposed of without expressing any opinion on the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)