

14.02.2025
Sl. No.19(DL)
Ct. No.39
srm

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

W.P.A. No. 17415 of 2024

Sk. Mokbul Hossain

Versus

The State of West Bengal & Ors.

Mr. Keshab Chandra Das,
MS. Aparajita Mondal,
Mr. Biplab Adak

...for the Petitioner.

Mr. Dipanjan Datta,
Mr. Soumen Chatterjee

...for the State-respondents.

Ms. Priyanka Mondal,
Mr. Kaushal Kumar

...for the Respondent No.10.

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

This writ petition has been filed for consideration
of the representation dated 1st July, 2024 and for
restraining the illegal construction over Plot Nos.451
and 452, J.L. No.39 of Mouza – Saha Hossainpur
within the jurisdiction of Jamalpur Police Station,
District-Purba Bardhaman.

Mr. Keshab Chandra Das, learned Advocate
appearing for the petitioner submits that at the
instance of the private respondent No.10 illegal
construction has been undertaken on the plot-in-
question without proper sanction. A representation

was made before the concerned authorities, but no steps have been taken. Hence, this writ petition.

Mr. Dipanjan Datta, learned Advocate appearing for the State-respondents files a report, which is taken on record. He submits that by an order dated 9th July, 2024, the private respondent No.10 was allowed to make plastering of the inner walls in respect of the order passed in Title Suit No.22 of 2017. However, since a representation has been made by the petitioner, the same may be relegated to the Pradhan of the local gram panchayat to enquire after hearing both the parties.

Ms. Priyanka Mondal, learned Advocate appearing for the respondent No.10 submits that the matter is civil in nature. She opposes such prayer.

Having submissions advanced at the Bar, the respondent No.8, the Pradhan, Jotesrirampur Gram Panchayat, District-Purba Bardhaman is directed to consider and dispose of the representation dated 1st July, 2024 of the petitioner by passing a reasoned order within a period of six weeks from the date of communication of this order upon causing inspection and after giving opportunity of hearing to all the interested parties including the petitioner and also allow the parties to place necessary documents before him and thereafter proceed in accordance with law.

The reasoned order shall be communicated to the petitioner.

Learned Advocate for the petitioner is directed to communicate this order to the respondent No.8, the Pradhan, Jotesrirampur Gram Panchayat.

It is made clear that this Court has not gone into the merits of the 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 17415 of 2024** stands 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.)