

17.02.2025
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Ct. no.39
ss

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

W.P.A. 17295 of 2024

**Sujoy Dokal & anr.
-Vs-
The State of West Bengal & ors.**

Ms. Aparajita Mondal
Mr. Biplab Adak
... for the petitioners

Ms. Sabnam De Bardhan
Ms. Rupsha Chakraborty
... for the State-respondent

Md. Mokaram Hossain
Mr. Uttam Banerjee
Mr. Arunesh Pathak
... for the private-respondents

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

This writ petition has been filed alleging of illegal
construction by private-respondent nos.10 and 11 and
praying for a direction for consideration of representation
of the petitioners dated 1st July, 2024 by the respondent
no.8, the Pradhan, Jamalpur 2 No. Gram Panchayat.

The petitioners contend that the private-respondent
nos.10 and 11 have raised illegal construction over the
property-in-question without obtaining sanction building
plan. A representation was made before the concerned
authority alleging of such fact of illegal construction on
1st July, 2024. However, the same has not been

considered and disposed of as yet. Hence, this writ petition.

Ms. Aparajita Mondal, learned advocate for the petitioners seeks appropriate orders for consideration of the representation of the petitioners by the Pradhan of the local Gram Panchayat.

On the contrary, Md. Mokaram Hossain, learned Advocate appearing on behalf of the private-respondent nos.10 and 11 submits that the private-respondents are only repairing the *asbestos* roof of their house. However, he also submits that the matter may be relegated to the respondent no.8, the Pradhan, Jamalpur 2 No. Gram Panchayat to consider and dispose of the representation of the petitioners.

Despite service none appears on behalf of the State-respondents.

Ms. Sabnam De Bardhan, learned Advocate along with her junior Ms. Rupsha Chakraborty, learned Advocate, who usually appears on behalf of the State, is requested to appear in this matter.

Let appointment of Ms. Sabnam De Bardhan, learned Advocate along with Ms. Rupsha Chakraborty, learned Advocate be regularised by the concerned authority.

Considering the submissions advanced at the Bar, the respondent no.8, the Prodhan, Jamalpur 2 No. Gram Panchayat is directed to consider and dispose of the

representation of the petitioner dated 1st July, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners 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 representation of the petitioners shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders.
- (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 four weeks from date of communication of this order.

The petitioner is directed to communicate this order to respondent no.8, the Pradhan, Jamalpur 2 No. Gram Panchayat along with copy of the representation dated 1st July, 2024.

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

Since affidavits have not 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 17295 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

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.**)