

10.03.2025
Sl. No. 10.
D/L.
Mithun
Ct.No.39.

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

WPA 17886 of 2024

**Biswanath Santra & Anr.
Vs.
The State of West Bengal & Ors.**

Mahammad Mahmud,

Ms. Amrita Tewari

...for the petitioners

...for the State.

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

This writ petition has been filed seeking direction
upon the respondent no.4, Prodhan, Nalikul Purba
Gram Panchayat and respondent no.5, Nalikul Purba
Gram Panchayat for taking steps against illegal and
unauthorized construction by the private respondent
no.6 over plot No.403 within Mouza-Nalikul Noapara,
J.L. No.145, Police Station Haripal, District: Hooghly.

The petitioner contends of illegal and
unauthorized construction by the private respondent
over the property in question. The petitioners are the
co-sharers in respect of L.R. Plot No.402. It is the
specific allegation of the petitioners that such work of
illegal unauthorized construction has been undertaken

without sanction plan and also without leaving requisite side space as per Panchayat Rules. Representation was made by the petitioners before the Prodhan, Nalikul Purba Gram Panchayat, respondent no.4 on 16th May, 2024. However, the same has not been considered as yet. Hence, this writ petition.

Mahammad Mahmud, learned Advocate appearing for the petitioners seeks for necessary direction upon the respondent no.4, Prodhan, Nalikul Purba Gram Panchayat to consider the representation of the petitioners.

Ms. Amrita Tewari, learned Advocate for the State-respondents also submits that the matter be relegated to respondent no.4, Prodhan, Nalikul Purba Gram Panchayat for considering and disposing of the writ petition of the petitioner.

Considering the above submissions, the respondent no.4, Prodhan, Nalikul Purba Gram Panchayat is directed to consider and dispose of the representation of the petitioners dated 16th May, 2024 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.6. 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 petitioner dated 16th May, 2024 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 two months from date of communication of this order.

The petitioners are directed to communicate this order to respondent no.4, Prodhan, Nalikul Purba Gram Panchayat along with copy of the representation dated 16th May, 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 above observation, the writ petition being **WPA 17886 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

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 this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)