

28.04.2025
SL No.64.
D/L
Mithun
Ct. no.39

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

W.P.A. 17307 of 2023

Paresh Chandra Bag

-Vs-

**The Prodhan, Bidhichandrapur
Chitrasenpur Gram Panchayat, Howrah & ors.**

Mr. Debarshi Brahma,

... for the petitioner

Mr. Santanu Mitra, Ld. Sr. Govt. Adv.

Mr. Amartya Pal

... for the State-respondent

This writ petition has been filed seeking direction upon respondent nos.1 and 2 to take steps for demolition of the unauthorized construction undertaken by private respondent no.4 over the property comprised within RS Dag No.286 (corresponding to LR Dag No.563) situated at Mouza-Bidhi Chandrapur, J.L. No.053, Police Station – Udaynarayanpur, District-Howrah.

The petitioner contends that the property in question is a joint property and the private respondent no.4 is a co-sharer in the property. The private respondent no.4 is raising unauthorized construction over the property in question without obtaining sanctioned building plan. A representation was made before the local Gram Panchayat on 3rd May, 2023. However, no steps has been taken. Hence, this writ petition.

Mr. Debarshi Brahma, learned Advocate for the petitioner submits that the matter be relegated to the Prodhan of the local Gram Panchayat for considering the representation of the petitioner and to take appropriate steps in accordance with law.

Respondent No.1 and respondent no.2 are not represented.

Despite service, none appears on behalf of the private respondent no.4.

State-respondent is unrepresented.

Mr. Santanu Kumar Mitra, learned Senior Government Advocate who usually appears on behalf of the State is requested to appear in this matter. Let the appointment of Mr. Mitra be regularized by the concerned Authority.

Mr. Mitra, learned Senior Government Advocate also submits that the Prodhan, respondent no.1 be directed to consider and dispose of the representation of the petitioner.

Considering the above submissions, the respondent no.1, Prodhan is directed to consider and dispose of the representation of the petitioner dated 3rd May, 2023 by adopting the following procedures:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent no.4. 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 3rd May, 2023 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 Petitioner is directed to communicate this order to respondent No.1, Prodhan, Bidhichandrapur Chitrasenpur Gram Panchayat, Howrah along with copy of the representation dated 3rd May, 2023.

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 17307 of 2023** 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.**)