

17.03.2025
Sl. No.11.
D/L.
Mithun
Ct.No.39.

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

WPA 18950 of 2024

**Rashid Middya
Vs.
The State of West Bengal & Ors.**

Mr. S. Jahan,
Mr. Sahil Kabir

...for the petitioner

Mr. Abhishek Verma,
Mr. Atulya Sinha Verma,
Mr. Swaraj Naskar,
Ms. Aparna Sarkar

...for respondent nos.9,10 & 12.

Mr. Lalit Mohan Mahata, Ld. A.G.P.
Mr. Prasanta Behari Mahata

...for the State

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

The present writ petition has been filed seeking
direction upon respondent no.7, Chandpur Gram
Panchayat and respondent no.8, the Pradhan, Chandpur
Gram Panchayat to take immediate steps with regard to
the illegal and unauthorized construction of cemented
brick built boundary wall at R.S. Plot No.2893 under
R.S. Khatian No.2749, measuring 19 decimals, Mouza-
Bishnupur, Police Station -Rajarhat, District : North 24-
Parganas.

Mr.S. Jahan, learned Advocate for the petitioner
submits that the work of cemented brick built boundary
wall has been undertaken by the private respondents

illegally and unauthorisedly without any sanctioned building plan. As per provision of Rule 19 of the West Bengal Gram Panchayat Administration Rules, 2004, it is necessary to take permission prior to construction of *pucca* boundary wall in respect of homestead land. Moreso, the land over which the work of construction has been undertaken is classified as ‘*Sali*’ and, therefore, if any permission is granted by the Pradhan, i.e., hit by the provisions of Rule 26 of the West Bengal Gram Panchayat Administration Rules, 2004 which restricts the Gram Panchayat from sanctioning building plan till such period the conversion of classification of land takes effect. Furthermore he indicates that the representation of the petitioner has not been dealt with properly by the Pradhan. He seeks for issuance of necessary direction upon the respondent no.8, Pradhan, Chandpur Gram Panchayat to consider and dispose of the representation of the petitioner in accordance with law.

Mr. Abhishek Verma, learned Advocate appearing for the private respondents submits that the work of construction has been undertaken as per law.

Mr. Lalit Mohan Mahato, learned Additional Government Pleader submits that the matter be relegated to respondent no.8, the Pradhan, Chandpur Gram Panchayat to consider and dispose of the representation of the petitioner dated 8th July, 2024.

Upon hearing the learned Advocates for the respective parties, respondent no.8, Pradhan, Chandpur Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 8th July, 2024 by adopting the following procedures:-

- (i) Cause an inspection on the property-in-question upon notice to the petitioner 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 petitioner dated 8th July, 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 petitioner is directed to communicate this order to respondent no.8, the Pradhan, Chandpur Gram

Panchayat along with copy of the representation dated 8th 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 above observation, the writ petition being **WPA 18950 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.)