

29.07.2025
Sl. No.16(DL)
Ct. No.42
srm

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

W.P.A. No. 19117 of 2024

Nirmal Kumar Sikdar

Versus

State of West Bengal & Ors.

Ms. Malyasree Maity,
Mr. Nishan Kumar

...for the Petitioner.

Mr. Prashanta Kumar Giri

...for the State.

Affidavit-of-service is taken on record.

By the present writ petition the petitioner seeks direction upon the respondent Nos.2 and 3 to take steps for demolition of unauthorised construction undertaken by the private respondent Nos.5 to 10 over Dag No.77, Khatian No.1728, Mouza Radhanagar, Police Station Bishnupur and consider the representation of the petitioner dated 31st March, 2024.

The petitioner contends that he is the recorded owner of a property comprised within LR Dag No.76/6166, Mouza Radhanagar and residing peacefully in Radhanagar Gram Panchayat for last 35 years or more. There is a village pathway in Dag No.77, Khatian No.1728, Mouza Radhanagar, Police Station

Bishnupur. The village pathway is being used for ingress and egress. The private respondents have made illegal and unauthorised construction affecting the ingress and egress of the petitioner. Several representations were made before the local gram panchayat, however, no steps have been taken.

Ms. Malyasree Maity, learned Advocate for the petitioner seeks that the matter may be relegated to the Pradhan, Radhanagar Gram Panchayat, the respondent No.3 to consider the representation of the petitioner dated 31st March, 2024.

Despite service, none appears on behalf of the respondent No.3 and the private respondent Nos.5 to 10.

State is also unrepresented.

Mr. Prasanta Kumar Giri, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mr. Giri be regularised by the concerned authority.

Let a copy of the writ petition along with annexure be served upon the learned Advocate for the State respondent.

Mr. Giri submits that the matter may be relegated to the Pradhan to cause enquiry.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent No.3, Pradhan,

Radhanagar Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 31st March, 2024 submitted by the petitioner by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent Nos.5 to 10. 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 representation of the petitioner dated 31st March, 2024 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. Parties are granted liberty to produce all relevant records and documents before the Pradhan at the time of hearing.
- (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 learned Advocate for the petitioner is directed to communicate this order to the respondent

No.3, Pradhan, Radhanagar Gram Panchayat along with copy of the representation dated 31st March, 2024.

It is made clear that this Court has not gone into the merits of this 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 19117 of 2024** is 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.)