

05.08.2025
Sl. No. 15.
D/L.
Mithun
Ct.No.42.

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

WPA 19413 of 2024

**Shefali Hazra
Vs.
The State of West Bengal & Ors.**

Mr. Lakshman Chandra Halder

...for the petitioner

Mr. G.F. Hossain,
Mr. R.H. Khan,
Ms. Varsha Ray

...for respondent nos.5 & 6.

Mrs. Noelle Banerjee

...for respondent no.4.

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

By the present writ petition, the petitioner seeks
for direction upon the respondent no.3, Prodhan,
Dhaniakhali No.2 Gram Panchayat for demolition of
unauthorized construction undertaken by private
respondent nos.5 and 6 over the plot no.256 (L.R.),
under Mouza-Rameswarbati.

The petitioner contends that the petitioner and the
private respondent nos.5 and 6 are the co-sharers in
respect of the property in question. The private
respondents are raising unauthorized construction over
the said plot of land. Petitioner made representation on
21st June, 2024 before the respondent no.3, Prodhan,
Dhaniakhali No.2 Gram Panchayat. However, no steps
has been taken as yet. Hence, this writ petition.

Mr. Lakshman Chandra Halder, learned Advocate for the petitioner submits that the matter be relegated to respondent no.3 to consider and dispose of the representation of the petitioner dated 21st June, 2024.

Learned Advocates appearing for the State as well as the private respondent nos.5 and 6 concedes to such submission.

Learned Advocate for respondent no.4 files a copy of the report furnished by the Officer-in-Charge of Dhaniakhali Police Station dated 6th August, 2025 which is taken on record.

Considering the above submissions, the respondent no.3, Prodhan, Dhaniakhali No.2 Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 21st June, 2024 by adopting the following procedure:-

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent. 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 21st June, 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.

Learned Advocate for the petitioner is directed to communicate this order to respondent no.3, Prodhan, Dhaniakhali No.2 Gram Panchayat along with copy of the representation dated 21st June, 2024 for necessary compliance.

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 19413 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.)