

07.04.2025
Ct. No.39
D/L 29
ab

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

W.P.A. No. 21010 of 2023

Asit Kumar Khan

Versus

Mashat Gram Panchayat & Ors.

Mr. Sadananda Ganguli,
Mr. Pradip Kumar Neogi

...for the Petitioner.

Mr. Samrat Paul

...for the State-respondents.

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

On the prayer of the learned advocate for the
petitioner, leave is granted to implead State of West
Bengal through the Secretary, Panchayat and Rural
Development Govt. of West Bengal as a party
respondent in the writ petition.

This writ petition has been filed for demolition of
unauthorized construction over Sabek Dag No. 3622,
L.R. Dag No. 94, Khatian No. 94 & 606 measuring
more or less 11 decimal.

The petitioner contends that the petitioner and
the private respondent are the co-sharers in respect of
the property-in-question. A civil suit for partition has
been filed by the petitioner before the learned Civil
Judge (Senior Division), Serampore, Hooghly being
Title Suit No. 93 of 2023. During the pendency of the

said suit, the private respondent has undertaken illegal and unauthorized construction over the joint property without sanctioned building plan. A representation was made before the Pradhan, Mashat Gram Panchayat, respondent no. 2 on 8th July, 2023, however, no steps have been taken. Hence, this writ petition.

Mr. Sadananda Ganguli, learned advocate for the petitioner submits that direction be issued upon the Pradhan, Mashat Gram Panchayat, respondent no. 2 to take appropriate steps and measures for demolition of the work of construction undertaken by the private respondent over the joint property upon considering the representation of the petitioner.

Mr. Samrat Paul, learned advocate, who usually appears on behalf of the State, is requested to appear in this matter for the State. Let the appointment of Mr. Samrat Paul, learned advocate be regularized by the concerned authority.

Mr. Paul, learned advocate for the State submits that the Pradhan, local Gram Panchayat may be directed to consider and dispose of the representation of the petitioner dated 8th July, 2023 in accordance with law.

In view of such submissions, the respondent No. 2, Pradhan of Mashat Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 8th July, 2023 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 may 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, 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. 2, Pradhan of Mashat Gram Panchayat along with copy of the representation dated 8th July, 2023.

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 21010 of 2023** 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.)