

25.03.2025
Sl. No. 17.
D/L.
Mithun
Ct.No.39.

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

WPA 21708 of 2023

**Prasanta Kumar Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Soumik Ganguli

...for the petitioner

Mr. Samiran Mandal,
Mr. Abhinaba Dan

...for the private respondent

Mrs. Jyotsna Roy Mukherjee,
Ms. Srijani Mukherjee

...for the State

This writ petition has been filed seeking direction upon the respondent authorities to demolish the building made by private respondent on Dag No.76, Khatian No.1049, J.L. No.104 within Mouza-Indkata adjacent to the land of the petitioner located and situated in Dag No.79, L.R. Khatian No.1188, J.L. No.104, Mouza- Indkata.

The petitioner contends that illegal and unauthorized construction has been undertaken by private respondent no.6 over Dag No.76 within Mouza-Indkata which is adjacent to the land of the petitioner without sanctioned building plan. The land comprised within Plot No.76, over which the work of construction has been undertaken illegally, is classified as '*Baid*'.

There is no conversion in the classification of the land as per record of rights. A representation was made before the Pradhan, Lodna Gram Panchayat (Anchal), respondent No.5 on 18th August, 2023 alleging of such illegality. However, no steps has been taken. Hence, this writ petition.

Mr. Soumik Ganguli, learned Advocate for the petitioner submits that direction be issued upon the respondent no.5, Pradhan, Lodna Gram Panchayat (Anchal) to consider the representation of the petitioner dated 18th August, 2023.

Mrs. Jyotsna Roy Mukherjee, learned Advocate representing the State-respondents also submits that the matter be relegated to the respondent no.5 to consider and dispose of the representation of the petitioner.

Mr. Samiran Mandal, learned Advocate for the private respondent opposing such prayer of the petitioner submits that the petitioner has got no *locus* to challenge the work of construction of the respondent.

Upon considering the submissions advanced, the Pradhan, respondent no.5, Lodna Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 18th August, 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 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 18th August, 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, 1973.
- (iv) The entire exercise shall be undertaken by the respondent no.5, Pradhan, Lodna Gram Panchayat (Anchal) within a period of two months from date of communication of this order.

The petitioner is directed to communicate this order to respondent no.5, Pradhan, Lodna Gram Panchayat (Anchal) along with copy of the representation dated 18th August, 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 21708 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.)