

25.09.2025
Sl. No.34(DL)
Ct. No.42
srm

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

W.P.A. No. 22003 of 2025

Prabir Kumar Chattarjee @ Chatterjee

Versus

The State of West Bengal & Ors.

Mr. Mujibar Ali Naskar,
Md. Habibur Rahman

...for the Petitioner.

Ms. Sanchayita De

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to take steps for removal of unauthorised construction by private respondent Nos.9 and 10 over 9 decimals of land of Plot No.621/906 and 1 decimal of land of Plot No.620/607 of Mouza-Nurpur under Police Station-Hemtabad, District-Uttar Dinajpur.
3. The petitioner contends that the petitioner is the adjoining recorded owner of land comprised with L.R. Plot No.621 of Mouza-Nurpur under Police Station-Hemtabad, District-Uttar Dinajpur. One Bhamar Saha Chatterjee whose land is adjacent to the land of the petitioner transferred 9 decimals of land in Plot No.621/906 and 1 decimal of land of

Plot No.620/607 in favour of the private respondents. The petitioner has filed a Misc. Pre-emption Case No.51 of 2024 in the Court of learned Civil Judge (Junior Division), Additional Court, Raiganj, Uttar Dinajpur seeking pre-emption of the said land purchased by private respondents. The private respondents without obtaining sanctioned building plan are raising construction over the adjoining land. Representation was made on 4th September, 2025 before the local gram panchayat for taking necessary action. However, no steps have been taken as yet. Hence, this writ petition.

4. Mr. Mujibar Ali Naskar, learned Advocate for the petitioner submits that the matter may be relegated to the local gram panchayat for consideration of representation of the petitioner dated 4th September, 2025.
5. Ms. Sanchayita De, learned Advocate representing the State also concedes that the matter may be sent to the local Gram Panchayat to enquire and take steps accordingly.
6. Despite service, none appears on behalf of the respondent No.6, Pradhan, Bangalbari 5 No. Gram Panchayat and the private respondent Nos.9 and 10.
7. In view of the above and considering the submissions advanced by learned Advocates for the appearing parties, the respondent No.6, Pradhan,

Bangalbari 5 No. Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 4th September, 2025 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.9 and 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 4th September, 2025 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 three months from date of communication of this order.

8. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.6, Pradhan, Bangalbari 5 No. Gram Panchayat along

with copy of the representation dated 4th September, 2025.

9. It is made clear that this Court has not gone into the merits of this writ petition.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. With the aforesaid directions, the writ petition being **WPA 22003 of 2025** is disposed of.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)