

07.07.2025

Sl. No.44

Ct. No.42

ss

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

W.P.A. No. 22043 of 2023

Subhadip Khutia

Versus

The State of West Bengal & Ors.

Mr. Golam Mastafa

Mr. Tarasankar Samanta

... for the petitioner

Ms. Sulagna Bhattacharyya

Ms. Tanuja Basak

...for the State-respondent

Sk. Anwar Ali

... for the respondent no.9

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

This writ petition has been filed seeking direction upon the respondent nos.6 and 8 to take appropriate steps for demolition of illegal unauthorized construction carried out by the private respondent no.9 on the land of the petitioner pertaining to L.R. Plot No.467, Mouza Tentulbari, Police Station Nandigram, District Purba Medinipur.

The petitioner contends that he is the owner and occupier of the property-in-question. The private respondent no.9 having no interest in the land is trying to make unauthorised illegal construction without obtaining sanction plan. The petitioner made a

representation before the Bayal-1 Gram Panchayat, respondent no.8 on 28th July, 2023. However, till date no steps have been taken. Hence, this writ petition.

Mr. Golam Mastafa, learned Senior Advocate appearing for the petitioner submits that despite there being an order of injunction passed in Title Suit No.83 of 2023 by the Civil Judge (Senior Division), Haldia such construction has been undertaken by the private-respondent no.9 without obtaining sanction building plan. He seeks that the matter may be relegated to the Pradhan, Bayal-1 Gram Panchayat, respondent no.8 to consider and dispose of the representation of the petitioner dated 28th July, 2023.

Sk. Anwar Ali, learned Advocate for the private-respondent no.9 submits that the private-respondent no.9 has undertaken a work of repairing of old *asbestos* shed nothing more nothing less. No new construction work has been undertaken by the private-respondent no.9. Therefore, the question of demolition of the construction does not arise. He seeks for dismissal of the writ petition.

Ms. Sulagna Bhattacharyya, learned Advocate appearing on behalf of the State-respondent submits that the Block Development Officer has already written to the Pradhan of local Gram Panchayat to take steps. She files the letter of the Block Development Officer, Nandigram-II Development Block, respondent no.6

being Memo No.3050 dated 12th November, 2024 which is taken on record.

It appears from the aforesaid letter of the Block Development Officer, respondent no.6 that he has written to the Pradhan of the local Gram Panchayat to take action with regard to unauthorised construction. Such being the position, the matter needs to be enquired into.

Accordingly, the Pradhan, Boyal-I Gram Panchayat, respondent no.8 is directed to consider and dispose of the representation of the petitioner dated 28th 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 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 28th 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 learned Advocate for the petitioner is directed to communicate this order to the respondent No.8, the Pradhan, Boyal-I Gram Panchayat along with copy of the representation dated 28th July, 2023.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

It is made clear that this Court has not gone into the merits of the writ petition.

With the aforesaid directions, the writ petition being **WPA 22043 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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.)