

07.07.2025
Sl. No. 47.
M/L.
Mithun
Ct.No.42.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22157 of 2023

Mahidul Islam Molla
Vs.
The Govt. of West Bengal & Ors.

Mr. Rajesh Naskar,
Md. Amir Ali Sekh

...for the petitioners

Mr. Sandip Das,
Mr. Dipankar Bhandari,
Mr. Kutubuddin Molla

...for the respondent.

Mr. Rudranil De,
Mr. Ziaul Haque

...for the State

This writ petition is filed seeking direction upon the respondent authorities to consider and dispose of the representation dated 17th February, 2023.

Mr. Rajesh Naskar, learned Advocate for the petitioner submits that the private respondents have raised unauthorized construction without obtaining sanction building plan. A representation was made by the petitioner for redressal of his grievance but no steps have been taken. Hence, this writ petition.

None appears on behalf of the State.

Mr. Rudranil De, learned Advocate who usually appears on behalf of the State is requested to appear in this matter. His appointment be regularized by the concerned authority.

Mr. De, learned Advocate for the State also submits that the matter may be relegated to the Pradhan, respondent no.4 to consider and dispose of the representation dated 17th February, 2023 of the petitioner.

Similar submission is advanced on behalf of the private respondent no.5. However, he seeks that liberty be granted to private respondent to produce all relevant documents before the local Gram Panchayat, respondent no.4.

Considering the above submissions, the respondent no.4, Pradhan, Laxmikantapur Gram Panchayat is directed to consider and dispose of the representation dated 17th February, 2023 of the petitioner 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 17th February, 2023 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. At the hearing, the

parties shall be at liberty to produce all relevant documents.

(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 entire exercise shall be done within a period of two months from the date of communication of the order.

Learned advocate is directed to serve a copy of the representation along with copy of the order upon respondent no.4, Pradhan, Laxmikantapur Gram Panchayat for necessary compliance.

With the above direction, the writ petition being **WPA 22157 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.)