

04.08.2025
Sl. No.33
Ct. No.42
SS

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

W.P.A. No. 22310 of 2023

Sri Surajit Mallick

Versus

Patulia Gram Panchayat & Ors.

Mr. Koushik Roy

...for the Petitioner.

Mr. Debnarayan Banerjee

...for the State.

Mr. Debasis Kar (through virtual mode)

Mr. Husen Mustafi

... for the respondent nos.10 & 11

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 correct the nomenclature of private respondents in prayer (a) of the writ petition.

By the present writ petition, the petitioner seeks for demolition of unauthorised construction undertaken by private respondent.

The petitioner contends that he is the absolute owner in respect of land measuring 2 Cottahs 8 Chittacks comprised within L. R. Dag No.601/779, R.S. Khatian No.572, corresponding to L.R. Khatian No.4434, holding No.2766 within Mouja Ruiya, Police Station Khardaha presently Rarahas, District 24-Parganas (North). The private respondents have made unauthorised construction blocking the ingress and

egress of the petitioner and also without leaving requisite side space. A representation was made before the local Gram Panchayat, respondent no.7 on 16th August, 2023. However, no steps have been taken. Hence, this writ petition.

Mr. Koushik Roy, learned Advocate for the petitioner submits that the matter may be relegated to local Gram Panchayat for consideration of the representation made by the petitioner dated 16th August, 2023.

Mr. Debasis Kar, learned Advocate representing the private respondents appearing through virtual mode, submits that such construction has been undertaken on the basis of building plan sanctioned by the concerned authority. Civil suit is pending by and between the parties. He seeks for dismissal of the writ petition.

Despite service none appears on behalf of the State-respondents.

Mr. Debnarayan Banerjee, learned Advocate, who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Mr. Banerjee, learned Advocate be regularised by the concerned authority.

Learned Advocate for the petitioner is directed to serve copy of this petition along with its annexures upon Mr. Banerjee, learned Advocate for the State.

Mr. Banerjee, learned Advocate for the State also submits that the matter may be relegated to the local Gram Panchayat.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent No.1, Pradhan, Patulia Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 16th 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 respondents. 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 16th 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. 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 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.1, Pradhan, Patulia Gram Panchayat along with copy of the representation dated 16th August, 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 22310 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.)