

04.08.2025
Sl. No.36
Ct. No.42
SS

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

W.P.A. No. 22966 of 2023

Bharat Naskar

Versus

The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury
Ms. Purnima Halder
Ms. Trenesha Chandra

...for the Petitioner.

Mr. Md. Ahsanuzzaman

... for the State

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

By the present writ petition, the petitioner seeks
for direction upon the respondent authorities to
consider the representation of the petitioner dated 26th
May, 2023.

The petitioner contends that he is the absolute
owner in respect of land measuring 0.0535 acre
(Bastu) comprised within L. R. Dag No.802, L.R.
Khatian No.3405, J.L. No.69 within Mouja
Shreekrishnanagar, Police Station Joynagar, District
24-Parganas (South). The private respondents jointly
started to make unauthorised construction in the land
of the petitioner. The petitioner made representation
before the concerned authority on 26th May, 2023.
Although the Block Development Officer, Joynagar-I
vide letter dated 7th June, 2023 directed the Pradhan

of Khakurdaha Gram Panchayat to cause a spot enquiry and submit report, however, no steps have been taken. Hence, this writ petition.

Mr. Indrajit Roy Chowdhury, learned Advocate for the petitioner submits that the matter may be relegated to the respondent no.2, Pradhan, Khakurdaha Gram Panchayat to consider and dispose of the representation of the petitioner.

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

Mr. Md. Ahsanuzzaman, learned Advocate, who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Mr. Md. Ashanuzzaman, 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. Md. Ashanuzzaman, learned Advocate for the State.

Mr. Md. Ashanuzzaman, 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.2, Pradhan, Khakurdaha Gram Panchayat is directed to consider and dispose of the representation of the petitioner

dated 26th May, 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 26th May, 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.2, Pradhan, Khakurdaha Gram Panchayat along with copy of the representation dated 26th May, 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 22966 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.)