

13.05.2025
Sl. No. 45.
D/L.
Mithun
Ct.No.39.

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

WPA 24200 of 2024

**Gouri Rani Das
Vs.
The State of West Bengal & Ors.**

Mr. Dinesh Pani
...for the petitioner
Mr. Kaustuv Mishra
...for respondent nos.8 and 9.
Mr. Naren Ghosh Dostidar
...for the State

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

This writ petition has been filed seeking for
demolition of unauthorized construction undertaken by
the private respondents over the land of the petitioner
comprised within Dag No.425, J.L. No.097, in Mouza-
Brindabanpur under the Police Station Chandipur
measuring more or less 0.24 acre under District Purba
Medinipur and for consideration of representation of the
petitioner dated 10th August, 2024 (Annexure-P/5).

The petitioner contends that the private
respondents have undertaken unauthorized
construction over the property in question illegally
obstructing the ingress and egress of the petitioner. On
10th August, 2024, a representation was made before the

concerned authorities but no steps has been taken,
Hence, this writ petition.

Mr. Dinesh Pani, learned Advocate for the petitioner submits that the respondent No.4, Pradhan, Brindabanpur 1 Gram Panchayat be directed to consider the representation of the petitioner.

Mr. Kaustuv Mishra, learned Advocate for the private respondents submits that the work of construction has been undertaken as per the sanction building plan and upon conversion of the classification of the land. The dispute is civil in nature. However, he submits that the matter in dispute be relegated to the Pradhan, Brindabanpur 1 Gram Panchayat to cause enquiry and pass necessary order.

None appears on behalf of the State-respondents.

Mr. Naren Ghosh Dostidar, learned Advocate, who usually appears on behalf of the State is requested to appear in this matter. Let the appointment of Mr. Dostidar, learned advocate on behalf of the State be regularized by the concerned authority.

Petitioner is directed to serve a copy of this writ petition along with its annexures to Mr. Dostidar, learned Advocate for the State.

Mr. Dostidar, learned Advocate also submits that the matter be relegated for consideration by respondent no.4, Pradhan, Brindabanpur 1 Gram Panchayat.

Considering the above submissions, the respondent no.4, Pradhan, Brindabanpur 1 Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 10th August, 2024 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 the representation of the petitioner dated 10th August, 2024 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 petitioner is directed to communicate this order to respondent no.4, Pradhan, Brindabanpur 1 Gram Panchayat along with copy of the representation dated 10th August, 2024.

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

Since affidavits have not been called for, the allegations made in the writ petition are deemed to be not admitted.

With the above observation, the writ petition being **WPA 24200 of 2024** 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.)