

07.07.2025
Sl. No.971(ML)
Ct. No.42
srm

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

W.P.A. No. 24297 of 2024

**Sk. Nur Islam @ Nur Islam Mondal
@ Noor Islam Mondal**

Versus

The State of West Bengal & Ors.

Mr. Subhendu Bandyopadhyay,
Mr. Arka Mondal

...for the Petitioner.

Mr. Suman Basu

...for the Respondent No.8.

Report in the form of affidavit filed on behalf of the respondent No.8 in terms of order dated 29th November, 2024 is taken on record.

The writ petition is filed seeking for demolition of unauthorised construction undertaken by the respondent No.10 over the adjoining plot comprised within LR Plot Nos.215 and 216 of Mouza Chowk Sultan, J.L. No.87, Police Station Dhaniakhali.

The petitioner contends that he is a co-sharer of the plot in question along with respondent No.10. The respondent No.10 in order to grab the petitioner's land has started construction illegally and unauthorisedly. On 19th August, 2024, the petitioner through his authorised agent and Advocate made a representation alleging of such illegal construction by the respondent No.10. However, no steps have been taken. Hence this writ petition.

Mr. Subhendu Bandyopadhyay, learned advocate for the petitioner seeks for appropriate direction upon the respondent No.9, Pradhan, Dhaniakhali(I) Gram Panchayat to take appropriate steps and dispose of the representation of the petitioner.

Mr. Suman Basu, learned Advocate representing the respondent No.8, Hooghly Zilla Parishad submits that the respondent No.10 during inspection failed to produce any sanctioned building plan and the land upon which the construction has been undertaken is classified as '*sunā*' as per record of rights. He submits that matter may be relegated to the respondent No.9, Pradhan for considering the representation of the petitioner dated 19th August, 2024.

Affidavit of service filed by the petitioner on the earlier occasion shows that the private respondent No.10 has refused to accept the notice.

It is found from the report submitted by the Hooghly Zilla Parishad that during inspection the respondent No.10 has failed to produce any sanctioned building plan of any authority and the illegal construction has been undertaken over the land comprised within LR Plot Nos.215 and 216 of Mouza Chowk Sultan, J.L. No.87, Police Station Dhaniakhali.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the respondent No.9, Pradhan, Dhaniakhali (I) Gram Panchayat is directed to consider

and dispose of the representation of the petitioner dated 9th August, 2024 submitted by the petitioner through his representative and learned Advocate by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent No.10. 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 19th 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 learned Advocate for the petitioner is directed to communicate this order to the respondent No.9, Pradhan, Dhaniakhali (I) Gram Panchayat along with copy of the representation dated 19th August, 2024.

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 24297 of 2024** 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.)