

28.10.2025
Item No. 15
Ct. No. 42
AN

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

**WPA 24767 of 2024
Sk. Gaffar Ali & anr.
vs.
State of West Bengal & ors.**

Mr. Saurabh Guha Thakurta
Mr. Abhratanu Sarkar
Mr. Partho Prateem Das
Ms. Disha Roy

... for the petitioners

Ms. Anjushri Mukherjee
Mr. Dhananjay Banerjee

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioners seek for specific direction upon respondent no. 5, the Pradhan, Sripatipur Ilahipur Gram Panchayet, District Hooghly to take steps for removal of illegal encroachment, construction and trade and business carried out by the private respondents in front of the property of the petitioners measuring about 4.68 satak comprised within L.R. Dag No. 526, J.L. No. 131, L.R. Khatian No. 1538 and 1539, Mouza Ilahipur, Police Station Haripal, District Hooghly.
3. The petitioners contend that they became absolute owners of the aforesaid property-in-question by way of purchase and their names have duly mutated and recorded in the LR record of rights. The petitioners

upon obtaining building sanctioned plan from respondent no. 5, the Pradhan, Sripatipur Ilahipur Gram Panchayet, District Hooghly, have made construction of the building over the property-in-question. The private respondents have illegally constructed temporary shop rooms in front of the petitioners' property thereby blocking the ingress and egress of the petitioners to the aforementioned property. Under such circumstances, the petitioners finding no other alternative being constrained, filed a suit before the learned Civil Judge, Junior Division, 2nd Court, Chandernagore, Hooghly being T.S. No. 286 of 2024 wherein an order of injunction have been passed restraining the defendants/private respondents herein from disturbing the peaceful possession over the property in question. Despite such order of injunction, the private respondents are still carrying on their business in front of the property of the petitioners. The petitioners made representation before the Pradhan of the local Gram Panchayet on 14th September, 2024 for redressal of their grievances but no steps have yet been taken. Hence this writ petition.

4. Mr. Saurabh Guha Thakurta, learned advocate appearing for the petitioners submits that the private respondents have illegally made construction in front of the property of the petitioners and are carrying on their business illegally. The matter needs to be dealt

with by the respondent no. 5, the Pradhan, Sripatipur Ilahipur Gram Panchayet, District Hooghly. He seeks for a direction upon respondent no.5 to consider and dispose of the representation of the petitioners.

5. Mr. Dhananjay Banerjee, learned advocate representing the State submits that the structures are kaccha structures and as per provisions of law, no such permission is required. However, he submits that the contentions raised by the petitioners may be relegated to the respondent no. 5, the Pradhan, Sripatipur Ilahipur Gram Panchayet, District Hooghly to deal with the same and act in accordance with law.
6. Despite service, none appears on behalf of respondent no.5, the Pradhan, Sripatipur Ilahipur Gram Panchayat and private respondent nos. 7 to 12.
7. Upon hearing learned advocates for the appearing parties and considering the materials on record, respondent no. 5, the Pradhan, Sripatipur Ilahipur Gram Panchayet, District Hooghly is directed to consider and dispose of the representation of the petitioners dated 14th September, 2024 upon notice to all the interested parties including the petitioners and private respondents in accordance with law by passing a reasoned order.
8. Such reasoned order shall be communicated to the parties within a period of one week of passing of such order.

9. Parties are granted liberty to produce all relevant records and documents before the Pradhan at the time of hearing.
10. The entire exercise shall be completed within a period of three months from the date of communication of this order.
11. Learned advocate for the petitioners is directed to communicate this order to respondent no. 5, Pradhan, Sripatipur Ilahipur Gram Panchayet, District Hooghly for necessary compliance.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. It is made clear that this Court has not gone into the merits of this writ petition.
14. With the aforesaid directions, the writ petition being no. **WPA 24767 of 2024** stands disposed of.
15. Consequently, all connected applications, if any, also stand disposed of.
16. Interim orders, if any, stand vacated.
17. There will be no order as to costs.
18. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)