

11.08.2025
Sl. No. 36(DL)
Ct. No.42
ab

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

WPA 24012 of 2023

Bapi Mondal

-Vs-

The State of West Bengal & Ors.

Mr. Sanjib Dutta

... for the petitioner

Mr. Deb Narayan Banerjee
Md. Ahsanuzzaman

... for the State

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

It is submitted on behalf of the petitioner that due to certain technical glitch in the server of the postal authority, track consignment report could not be obtained showing service upon respondent no.14. However, he submits that, if the matter is disposed of with a direction upon the authority concerned to consider the representation of the petitioner, none of the parties including the respondent no. 14 will be prejudiced.

By the present writ petition, the petitioner seeks for a direction upon the respondent authorities, particularly the respondent no. 5 to consider the representation of the petitioner dated 17th August, 2023 (Annexure P-5 of the writ petition).

The petitioner contends that he is the recorded owner of a plot of land lying and situated at R.S. Dag No. 12, L.R Dag No. 32 Old L.R. Khatian No. 634, New L.R. Khatian No. 934, measuring about 32.12 Satak, under Mouza-24 no. Chandipur, P.S. Jiaganj under Bahadurpur Gram Panchayat, District-Murshidabad. The petitioner is a businessman and has to travel extensively, due to which it is not possible for him to keep a constant vigil over the said plot of land. Taking advantage of the situation, the private respondent nos. 7 to 14 are making illegal construction in order to grab the land of the petitioner. The petitioner made a representation on 17th August, 2023 before the respondent no. 5, Prodhan, Bahadurpur Gram Panchayat, Baghadar, Murshidabad for redressal of his grievances. However, no steps have been taken, hence this writ petition.

Mr. Sanjib Dutta, learned Advocate for the petitioner submits that specific direction be issued upon the respondent no. 5, Prodhan, Bahadurpur Gram Panchayat, Baghadar, Murshidabad, for consideration of the representation of the petitioner.

Mr. Deb Narayan Banerjee, learned advocate for the State submits in the similar fashion.

Despite service, none appears on behalf of the respondent no. 5 and the private respondent nos. 7 to 13.

On hearing learned advocates for the appearing parties, the respondent no. 5, Prodhan, Bahadurpur Gram Panchayat, Baghadar, Murshidabad is directed to consider and dispose of the representation of the petitioner dated 17th August, 2023 by adopting the following procedure:

- (i) Cause an inspection on the land-in-question upon notice to the petitioner as well as private respondent Nos. 7 to 14. 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 17th 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 Prodhan 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. 5, Prodhan, Bahadurpur Gram Panchayat, Baghadar, Murshidabad along with copy of the representation dated 17th August, 2023 for necessary compliance.

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 24012 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.)