

22.09.2025
Sl. No.189(DL)
Ct. No.42
srm

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

W.P.A. No. 29927 of 2024

Biswanath Ray

Versus

The State of West Bengal & Ors.

Mr. Jyoti Prakash Chatterjee
...for the Petitioner.

Ms. Sipra Mazumdar,
Ms. Pratibha Ghatak
...for the State.

Mr. Atanu Biswas,
Mr. Mrinal Saha
...for the Respondent Nos.5 & 6.

Mr. Chiranjib Sinha,
Mr. Vishal Mallick
...for the Respondent Nos.7 & 8.

1. By the present writ petition, the petitioner seeks direction upon the respondent No.6 for taking necessary steps for removal of unauthorised construction undertaken by the private respondent Nos.7 and 8 and for consideration of his representation dated 11th November, 2024 being Annexure P-4.
2. The petitioner contends that the property originally vested with the petitioner comprised within Plot No.671, J.L. No.159, class-Bastu, Mouza-Nepakuli under Kalna Police Station, District-Purba

Bardhaman. Despite such knowledge the private respondents have undertaken construction work over the aforesaid property-in-question without sanctioned building plan and without obtaining permission from respondent Nos.5 and 6. Such construction is causing obstruction to the petitioner's ingress and egress in his own premises. In relation to the same, the petitioner filed a civil suit being Title Suit No.75 of 2023 before the learned Civil Judge (Junior Division), Kalna which upon considering the commissioner's report directed the parties to maintain *status quo* till the disposal of the suit. The petitioner made a representation before the respondent No.6, Pradhan of the local gram panchayat on 11th November, 2024 for redressal of his grievance. Since no steps have been taken, hence this writ petition.

3. Mr. Jyoti Prakash Chatterjee, learned Advocate for the petitioner submits that the private respondents have undertaken illegal and unauthorised construction over the property-in-question without sanctioned building plan. The said illegal activities of the private respondents has been reported to the local gram panchayat for taking appropriate steps however no steps taken as yet. He seeks for relegation of the representation of the petitioner dated 11th November, 2024 to the local gram panchayat for further course of action.

4. Mr. Chiranjib Sinha, learned Advocate for the respondent Nos.7 and 8 submits that the work of construction has been undertaken under *Indira Awas Yojana* which is a poverty alleviation scheme.. As per proviso to Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, there is no requirement of obtaining permission from local gram panchayat for making such construction.
5. Mr. Atanu Biswas, learned Advocate for the respondent Nos.5 and 6 files report of Pradhan of local gram panchayat in terms of the order of this Court dated 13th January, 2025 which is taken on record.
6. Learned Advocate for the State submits that she has not received any instruction.
7. It is not in dispute that a civil suit being Title Suit No.75 of 2023 has been filed by the petitioner alleging similar facts of illegal unauthorised construction undertaken by the private respondents. As per order of the learned Civil Court commission was held and a report is submitted by the commissioner. Upon consideration of such commissioner's report, the learned Civil Court has passed order directing both the plaintiffs and the defendants to maintain *status quo* in terms of peaceful possession of the plaintiffs in respect of suit property to the plaint and not to change the

nature and character of the same till disposal of the suit. Such being the position, the dispute between the parties appears to be civil in nature. Hence, the writ petition falls short of merit.

8. Accordingly, the writ petition being **WPA 29927 of 2024** stands dismissed.

9. Interim order, if any, stands vacated.

10. All connected applications, if any, stand disposed of.

11. There shall be no order as to costs.

12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

13. 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.)