

09.09.2025
Sl. No.182(DL)
Ct. No.42
srm

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

**W.P.A. No. 30422 of 2024
With
CAN 1 of 2025**

**Dilip Roy @ Dilip Kumar Roy
Versus**

The State of West Bengal & Ors.

Mr. Debjit Mukherjee,
Mr. Ayan Kumar Boral,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

...for the Petitioner.

Mr. Jayanta Samanta,
Mr. Kazi Sajjad Alam,
Mr. Kushal Biswas

...for the State.

Ms. Ujjaini Chatterjee,
Ms. Pallavi Pain,
Ms. Garima Raijada

...for the Applicants.

Re: CAN 1 of 2025

1. This is an application for addition of party.
2. Ms. Ujjaini Chatterjee, learned Advocate for the applicants contend that a complaint was lodged by the respective husband of the applicants and one other on 4th December, 2024 alleging of unauthorised construction by the opposite party/petitioner. In relation to such complaint, a stop work notice was issued by the Pradhan, Rajarhat, Bishnupur 2 No. Gram Panchayat on 4th December, 2024. The applicants are the adjoining neighbours of the

petitioner who are affected by such unauthorised construction. She seeks for addition of party.

3. On the contrary, Mr. Debjit Mukherjee, learned Advocate appearing for the writ petitioner submits that the applicants are not the complainants before the Pradhan, Rajarhat, Bishnupur 2 No. Gram Panchayat. The complaint has been lodged by some other persons. Further, he also indicates that these applicants filed a suit being Title Suit No.1455 of 2024 before the learned Civil Judge (Junior Division), 1st Court, Barasat in which the application for temporary injunction has been dismissed by the learned Civil Judge.
4. It is found that the present applicants are the adjoining neighbours and it is submitted on behalf of the applicants that they are affected by the alleged illegal and unauthorised construction made by the petitioner. In view of the above, the names of the applicants be added as party respondent Nos.6 and 7 respectively being the necessary parties.
5. Learned advocate for the petitioner is directed to serve copy of the writ petition upon learned advocate for the added respondent nos. 6 and 7.
6. Leave is granted to the petitioner to implead the applicants as respondent Nos.6 and 7.
7. Accordingly, application being **CAN 1 of 2025** is disposed of.

Re : WPA 30422 of 2024

1. Report filed by the State is taken on record.
2. By the present writ petition, the petitioner seeks for withdrawal of the stop work notice dated 4th December, 2024 issued by respondent no.5, Pradhan, Rajarhat, Bishnupur 2 No. Gram Panchayat.
3. The petitioner contends that the work of construction has been undertaken on the basis of a sanctioned building plan of the concerned local gram panchayat. Challenging as aforesaid action of the Pradhan, Rajarhat, Bishnupur 2 No. Gram Panchayat, this writ petition has been preferred by the writ petitioner.
4. Mr. Debjit Mukherjee, learned Advocate for the petitioner submits that on the date of complaint the stop work notice was issued without giving any opportunity of hearing to the petitioner. No copy of the complaint has been served upon the petitioner. Be that as it may, he seeks that the matter be relegated to the Pradhan for causing enquiry pertaining to the issues raised in the writ petition.
5. On the contrary, Ms. Ujjaini Chatterjee, learned Advocate for the added respondent Nos.6 and 7 submits that there has been illegal and unauthorised construction undertaken by the writ petitioner which is depicted in the inspection report.
6. Mr. Jayanta Samanta, learned Advocate for the State submits that the matter be relegated to the Pradhan

of the local gram panchayat to cause local enquiry and inspection and act in accordance with law.

7. On a complaint lodged by Sachin Kumar Naskar, Pranab Sarkar and Suman Bose on 4th December, 2024, a stop work notice was issued by the local gram panchayat. The inspection report of *Nirman Sahayak* dated 17th December, 2024 annexed to the report of the State notes certain deviations. Be that as it may, the inspection report does not record that it has been made after notifying the private respondents.
8. In view of the above and considering the submissions advanced by learned Advocates for the appearing parties, the respondent No.5, Pradhan, Rajarhat, Bishnupur 2 No. Gram Panchayat is directed to consider the matter pertaining to stop work notice dated 4th December, 2024 by adopting the following procedure:
 - (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondent Nos.6 and 7. 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 matter relating to stop work notice dated 4th December, 2024 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 Pradhan 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 three months from date of communication of this order.

9. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.5, Pradhan, Rajarhat, Bishnupur 2 No. Gram Panchayat.

10. The Pradhan in exercising such power with regard to as to whether there is unauthorized construction or deviation from the sanctioned building plan.

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

12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

13. With the aforesaid directions, the writ petition being **WPA 30422 of 2024** is disposed of.

14. Interim order, if any, stands vacated.

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

16. There shall be no order as to costs.

17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)