

21.03.2025
Sl. No. 13
g.b.
Court No.39
265894

WPA 16 of 2025

Kaiyum
Vs-
The State of West Bengal & Ors.

Mr. Sayantan Hyazra
.....For the Petitioner
Mr. Supratim Dhar
Mr. Bikramjit Mandal
.....For the State

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

Previously the respondents were served with the notice excepting respondent no.11.

Earlier the postal consignment sent to respondent no.11 has returned with endorsement "*Door Locked*".

On 6th February, 2025 the petitioner was directed to serve upon the private respondent no. 11 afresh.

This time the consignment sent to respondent no.11 has returned with endorsement "*Insufficient Address*".

It appears that the private respondent no. 11 is keeping out of way to receive the consignment.

Accordingly the writ petition is taken up for consideration.

This writ petition is filed for demolition of illegal and unauthorized construction undertaken by the private respondents over plot no. 1201 (corresponding to LR plot

no.1210) situated in Mouza – Dulapur, J. L. No. 135 under Police Station – Karandighi.

The petitioner contends that his father Late Lal Mohan @ Sk. Lal Mohammad was the patta holder of an area measuring 1.80 acres of land comprised within plot no. 1201 (corresponding to LR plot no.1210) situated in Mouza – Dulapur, J. L. No. 135 under Police Station – Karandighi. The aforesaid property of his late father was inherited by the petitioner and his brother. The petitioner became the owner of the 50% share of the suit property and his name has been duly mutated in the LR records of right. It is further contended that the private respondents on 8th August, 2024 started to make construction over an area of 20 decimal of land on the suit property. A Title Suit being T. S. 18 of 2024 was filed by the petitioner before the learned Civil Judge (Senior Division), Islampur, Uttar Dinajpur wherein an *ad interim* order of injunction was passed against the private respondents. The petitioner on 28th October, 2024 submitted a representation before the Prodhan, Sabdhan Gram Panchayat being the respondent no.8 herein for redressal of his grievance with regard to the illegal and unauthorized construction undertaken by the private respondents. However, no steps has been taken bas yet. Hence this writ petition.

Mr. Supratim Dhar, learned Senior Advocate representing the State as well as learned advocate for the

petitioner submit that the matter be relegated to the Pradhan, Sabdhan Gram Panchayat for consideration of the representation of the petitioner.

Considering the above submissions, the respondent no.8, Pradhan, Sabdhan Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 28th October, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondents. 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 representation of the petitioner dated 28th October, 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 petitioner is directed to communicate this order to respondent no.8, Prodhan, Sabdhan Gram Panchayat along with copy of the representation dated 28th October, 2024.

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

Since affidavits have not been called for, the allegations made in the writ petition are deemed to be not admitted.

With the above observation, the writ petition being **WPA 16 of 2025** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All connected 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 this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)