

28.03.2025

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Ct. no.39

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

W.P.A. 263 of 2025

**Jakir Hossain
-Vs-
The State of West Bengal & ors.**

Mr. Partha Chakraborty
... for the petitioner

Mr. Arindam Mitra
... for the State-respondent

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

This writ petition has been filed seeking direction upon the respondent no.6, the Haroa Gram Panchayat to take appropriate action against private respondent no.9 for illegal and unauthorized construction over the land-in-question.

Petitioner contends that the petitioner is a co-sharer in respect of 0.21 decimal of *Rayati Bagan* land comprised within L.R. Plot No.112 and L.R. Khatian No.1253 situated at Mouza Haroa, Police Station Haroa in the District of North 24-Parganas. It is alleged that the private respondent no.9 has been making illegal and unauthorized construction over the land-in-question. A representation was submitted before the respondent no.6 as well as other authorities on 13th December, 2024.

However, no step has been taken. Hence, this writ petition.

Despite service none appears on behalf of the private respondent no.9.

Mr. Partha Chakraborty, learned Advocate for the petitioner submits that the respondent no.7, the Pradhan, Haroa Gram Panchayat be directed to consider the representation of the petitioner dated 13th December, 2024.

Mr. Arindam Mitra, learned Advocate representing the State-respondent submits that the dispute between the petitioner and the private-respondent is civil in nature and two cases have been filed before the learned Sub-Divisional Magistrate (Executive), Basirhat Court under Section 152 of BNSS and under Section 166 of BNSS respectively over the suit property and both the matters are *sub judice* before the said Court. He also submits that enquiry report has been submitted in respect of Haroa PS NCR No.1317/24 dated 21st December, 2024 under Section 126 BNSS against the private-respondent. He files a report of Officer-in-Charge, Haroa Police Station dated 14th January, 2025, which is taken on record.

Considering the submissions advanced on behalf of the parties, the respondent no.7, the Pradhan Haroa Gram Panchayat is directed to consider and dispose of

the representation of the petitioner dated 13th December, 2024 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners 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 13th 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.
- (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 read with Rules.
- (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.7, the Pradhan, Haroa Gram Panchayat along with copy of the representation dated 13th December, 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 aforesaid directions, the writ petition being **WPA 263 of 2025** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

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.**)