

08.05.2025
Sl. No.46
Ct. No.39
ss

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

W.P.A. No. 6655 of 2025

Arnab Pramanick

Versus

The State of West Bengal & Ors.

Mr. Arnab Pramanick
... petitioner-in-person

Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque
...for the State-respondents.

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

This writ petition has been filed seeking for direction upon the respondent authorities to remove unauthorised and illegal construction undertaken by the private respondent over the property comprised within Plot Nos.1156, L.R. Khatian Nos.2076, 2991, 2992, 2993 and 2994 and L.R. ROR Khatian No.1299 under Mouza Khatsara, in the District of South 24-Parganas.

The petitioner contends that the private respondent has started unauthorised construction over the common portion indicated in the deed of partition dated 4th January 2002. The reply to the RTI application shows that no sanction building plan has been accorded in respect of the property-in-question.

Representation was made before the Pradhan, Dakshin Barasat Gram Panchayat, respondent no.7 on 27th December, 2023. Since no steps have been taken by the concerned Pradhan, representation was also made before the Sub-Divisional Officer, Baruipur Sub-Division on 30th May, 2024 who also failed to take any steps. Hence, this writ petition.

Despite service, none appears on behalf of the State-respondents.

Mr. Lalit Mohan Mahata, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter with a junior of his choice. The appearance of the learned Advocates be regularised by the concerned authority.

Let a copy of the writ petition along with annexure be served upon the learned Advocate for the State-respondents.

Despite service, none appears on behalf of the respondent No.7, Pradhan, Dakshin Barasat Gram Panchayat as well as the private respondent No.10.

Mr. Arnab Pramanik, petitioner appearing in-person submits that specific order for demolition be issued in respect of the unauthorised construction undertaken by the private respondent.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader appearing for the State submits for issuance of direction upon the respondent No.7, Pradhan Dakshin Barasat Gram Panchayat for causing

enquiry and disposing of the representation of the petitioner dated 27th December, 2023.

Upon hearing the petitioner and learned Advocate for the State, respondent No.7, Pradhan, Dakshin Barasat Gram Panchayat is directed to consider and dispose of the representation of the petitioner dated 27th December, 2023 by adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioners as well as private respondent No.10. 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 27th December, 2023 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.

Petitioner is directed to communicate this order to the respondent No.7, Pradhan, Dakshin Barasat Gram Panchayat along with copy of the representation dated 27th December, 2023.

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 6655 of 2025** 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.)