

03.09.2025
Sl. No.42
Ct. No.42
ss

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

W.P.A. No. 13391 of 2025

Milan Ishwarlal Tank

Versus

The State of West Bengal & Ors.

Mr. Aditya Sen

...for the Petitioner

Mr. Naba Kr. Das

Mr. Somnath Mukhopadhyay

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for consideration of his representation dated 15th May, 2025 submitted before the respondent nos.2 to 5 through his learned Advocate.
3. The petitioner contends that he is the rightful and absolute owner of the properties measuring 9 decimal of land comprised within Dag No.1112 and 1112/1453, C.S. Khatian No.316 within Mouja Rampurhat, village and Police Station Rampurhat. Illegal and unauthorised construction has been undertaken by the private respondent no.6 over the petitioner's land. The petitioner made a representation through his learned Advocate dated 15th May, 2025 before the

respondent authorities. However, no steps have been taken. Hence, the petitioner is constrained to file the present writ petition.

4. Mr. Aditya Sen, learned Advocate for the petitioner submits for relegating the matter to the respondent no.5, the Pradhan, Rampurhat-I Gram Panchayat for considering and disposing of the representation of the petitioner submitted through his learned Advocate dated 15th May, 2025.
5. Mr. Naba Kumar Das, learned Advocate for the State also submits in the similar fashion.
6. Despite service, none appears on behalf of the respondent no.5, the Pradhan, Rampurhat-I Gram Panchayat and the private-respondent no.6.
7. It is found that the petitioner has not submitted any representation before the authority concerned in his individual capacity.
8. The petitioner is directed to file a comprehensive representation before the Pradhan of Rampurhat-I Gram Panchayat, respondent no.5.
9. Upon submission of such comprehensive representation of the petitioner, the respondent no.5, the Pradhan, Rampurhat-I Gram Panchayat shall consider and dispose of the same in accordance with law 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 comprehensive representation of the petitioner 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.
10. The learned Advocate for the petitioner is directed to communicate this order to the respondent No.5, the Pradhan, Rampurhat-I Gram Panchayat along with copy of the comprehensive representation.
11. With the above observations, the writ petition being **WPA 13391 of 2025** stands disposed of.

12. It is made clear that this Court has not gone into the merits of this writ petition.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
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.)