



2026:CHC-AS:1087

Form J(2)
Sl. No. 37
AB

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

W.P.A. 21495 of 2024

Sk. Hafijuddin
Vs.
The State of West Bengal & Ors.

For the petitioner : Mr. Kaushik Sarkar
For the State : none appears
For respondent no. 8 & 9 : Sk. Sahjahan Ali
Heard on : July 17, 2026
Judgment on : July 17, 2026

[IN COURT]

Aniruddha Roy,J.

1. This is an assigned writ petition.
2. Affidavit of service filed in Court today is taken on record.
3. Mr. Kaushik Sarkar, learned advocate appears for the petitioner.
4. Sk. Sahjahan Ali, learned advocate appears for private respondent nos. 8 and 9.
5. Rest of the respondents are not represented.
6. Petitioner alleges an unauthorized and illegal construction on the subject land at the behest of the private respondent nos. 8 and 9, within the

W.P.A. 21495 of 2024
A. Roy,J.



jurisdiction of the concerned Gram Panchayat which has been impleaded through its Secretary being respondent no. 5.

7. Petitioner has submitted a representation dated **July 6, 2024, annexure P-3** at **page 19** to the writ petition before the Pradhan of the concerned Gram Panchayat but the same has not yet been disposed of.

8. In view of the above, the Pradhan of the concerned Gram Panchayat shall upon issuing a prior hearing notice of at least **seven days** to the petitioner and the private respondent nos. 8 and 9 and after granting them an opportunity of hearing shall dispose of the said representation dated **July 6, 2024** at **page 19** to the writ petition, by passing a reasoned order in accordance with law.

9. While disposing of the said representation the Pradhan shall also consider the relevant record including the document dated **August 5, 2024, annexure P-2** at **page 18** to the writ petition. The Pradhan shall also consider the relevant land records by seeking assistance from the respondent no. 6, if necessary.

10. The entire exercise shall be carried out and completed by the Pradhan of the Panchayat positively within **eight weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner and the private respondent nos. 8 and 9 positively within a further period of **two weeks** from the date of the said reasoned order to be passed.



11. Learned advocate appearing for the private respondents submits that, previously a Title Suit was filed by the petitioner which has been dismissed for default on **September 19, 2022** and the petitioner did not take any step thereafter. He submits that, the land has been converted into bastu. He further submits that, the concerned Panchayat Samity has sanctioned a building plan at the relevant point of time.

12. After hearing the submissions of the parties, it appears to this Court that, the Civil Suit alleged to have been filed had been dismissed on the ground of default and therefore the suit has no existence in the eye of law.

13. It is made clear that, this order shall be restricted only in the event of an alleged unauthorized and illegal construction and not on any other form of encroachment.

14. It is further made clear that, this Court has not gone into the merits of the rival contentions of the parties and the Pradhan of the concerned Panchayat shall scrutinize all the records and then pass its reasoned order as directed herein.

15. In the event, the reasoned order confirms existence of any unauthorized and illegal construction on the subject land, the appropriate jurisdictional authority shall take immediate steps to remove and demolish such illegal and unauthorized construction, if any, strictly in accordance with law but positively within **six weeks** from the date of the said reasoned order to be passed.



16. This order shall not create any right or equity in favour of the petitioner if the petitioner is found otherwise not eligible in support of his prayer, in accordance with law.

17. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

18. With the above observations and directions, this writ petition being **W.P.A. 21495 of 2024** stands **disposed of**, without any order as to costs.

30. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)