

**28-29**  
**07.04.2026**  
Ct. No.15  
b.das

**WPA 4407 of 2026**

**Shree Shree Sridhar Iswar Jew Thakur Pvt. Trust & Anr.**  
**Vs.**  
**The State of W.B. & Ors.**  
**With**  
**WPA 4630 of 2026**

**Rakesh Khamaru & Ors.**  
**Vs.**  
**The State of W.B. & Ors.**

Mr. Kushal Chatterjee  
Mr. Tauhid Khan  
Mr. Atanu Haldar  
Ms. Runa Laila Khatun ...for the petitioner  
in WPA 4407 of 2026.

Mr. Partha Pratim Roy  
Mr. Atanu Haldar ...for the petitioner  
in WPA 4630 of 2026.

Mr. Molay Roy  
Ms. Indrani Nandi ...for the State.

Mr. Shibojyoti Chakraborti  
Ms. Riya Ghosh  
Ms. Debolina Ghosh ...for the Howrah Zilla Parishad.

Mr. Soumen Bhattacharjee  
Mr. Ankan Das  
Ms. Shradhya Ghosh ...for the private respondent.

On prayer of the petitioners, liberty is granted to implead the Hearing Officer, Howrah Zilla Parishad as respondent no.10 in WPA 4407 of 2026 and as respondent no.12 in WPA 4630 of 2026. The cause title of the writ petitions be amended accordingly.

Since both the writ petitions pertain to the same issue, they are taken up for consideration together and shall be disposed of by a common order.

By an order passed on 10<sup>th</sup> February, 2025 in MAT 1357 of 2022 an Hon'ble Division Bench of this Court directed as hereunder:

“The authorities are yet to decide on the validity and legality of the construction on the two plots concerned. Zilla Parishad should decide such issue.

In such circumstances, Zilla Parishad is directed to consider the legality and validity of the construction subsisting in the two plots stated in the notice being uninfluenced by any observations made by the learned Single Judge or by us in this order.

Zilla Parishad will commence the hearing on the issue of unauthorized construction on the two plots concerned on and from February 17, 2025 at 11 a.m. at the office of the Howrah Zilla Parishad and will complete such proceeding preferably within four weeks thereafter.

No further notice need be issued by the Zilla Parishad to the appearing parties since, the date and time are fixed in their presence.

Zilla Parishad is at liberty to hear such other parties and considers such documents as it deems appropriate in deciding the issue. Zilla Parishad no doubt will pass a reasoned order which it will communicate to the parties it heard forthwith thereafter.

In deciding the issue of unauthorized construction, in the event, the Zilla Parishad is of the view that it requires police assistance, the local police authorities will no doubt on such request being made in writing extend such police assistance.

MAT 1357 of 2022 and MAT 1358 of 2022 along with connected application are disposed of without any order as to costs.”

The said order was not complied with by the Zilla Parishad for which a contempt application was filed. In disposing of the contempt application, the Hon'ble Division Bench recorded that the Howrah Zilla Parishad would not give effect to the decision of the District Engineer dated February 24, 2025 and would proceed to hear and dispose of the issue by the Hearing Officer in terms of the notice dated August 14, 2025.

Pursuant to the said order, the order impugned dated 21<sup>st</sup> January, 2026 was passed by the Executive Officer, Howrah Zilla Parishad. The order demonstrates that a hearing was conducted by the Hearing Officer, Howrah Zilla Parishad in terms of the direction of this Court. However, it is not clear whether upon conducting the hearing, any order was passed by the Hearing Officer or whether an opportunity of hearing was granted to the parties before passing such order, if any.

Section 160 A (6) of the West Bengal Panchayat Act deals with the procedure for consideration where a new

structure or a new building or any addition to any structure or building is being or has been erected or made in contravention of the provision of sub-section 1. The provision is set out for the purpose of better understanding of the issue:

“(6) Where any new structure or new building or any addition to any structure or building is being or has been erected or made, as the case may be, in contravention of the provision of sub-section (1), the matter shall be heard by a hearing officer who shall preferably be a retired senior Government Officer with the experience of having worked as a Magistrate and shall be appointed in the Zilla Parishad by the State Government. The hearing officer shall, after giving the owner of such building an opportunity of being heard, submit his recommendation to the Executive Officer of the Zilla Parishad. The Executive Officer of Zilla Parishad shall take decision for demolition of the building or a portion of the building, as the case may be, by the owner within such period as may be specified in order and in default, issue direction to the Sub-Divisional Officer concerned to effect the demolition and to recover the cost thereof from the owner as a public demand. In case of any difference of opinion between the Executive Officer of the Zilla Parishad and the hearing officer, the matter shall be referred to the Additional Chief Secretary or the Principal Secretary or the Secretary of the State Government for final disposal.”

In view of the said provision of law, this Court is inclined to hold that since the order impugned does not reflect whether the Hearing Officer passed an order and communicated the same to the Executive Officer in terms of Section 160 A (6) of the Act, the order impugned cannot be sustained and is therefore, set aside/quashed.

The Hearing Officer, Howrah Zilla Parishad is directed to conduct a hearing in terms of the order passed

by this Court and take necessary steps in terms of Section 160 A (6) of the Act within four weeks from the date of communication of this order and submit his recommendation before the Executive Officer of the Zilla Parishad immediately thereafter.

The Executive Officer shall take a decision on the basis of the recommendation made by the Hearing Officer and shall communicate the same to the parties within two weeks thereof.

Both the writ petitions are disposed of accordingly.

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

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**