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jks

06.02.2026
Ct. 238

WPA 7122 of 2022

**Saker Ali @ Sk. Maser Ali & Anr.
Vs.
State of West Bengal & Ors.
(Assigned)**

Mr. Md. K. Basar Bulbul
Mr. Samirul Sardar

... ... for the petitioners

Mr. Avijit Sarkar
Mr. Suman Singh

... ... for the State

Affidavit of service filed today be kept with record.

Learned counsel appearing for the petitioners submits that the plot of land being R.S. Plot No.313, L.R. Plot No.353 Khatian N. 383/1 (Sabek Khatian No. 91) measuring 95 decimals under Mouza-Dighir, J.L. No. 31, P.S.- Dhaniakhali, District-Hooghly is a Divine Property in the name of Sri Sri Raghunath Jew and the petitioner No.1 is the recorded Bargadar in respect of the said plot of land in terms of the barga certificate dated 28.04.1981 under Sr. No.1214/DNK/28.4.1981 issued by the concerned Authority.

Learned counsel further submits that the respondent no.10 is one of the Sebait of Sri Sri Rugunath Jew and respondent No.11 is the son of the respondent

no.10 and the private respondent nos. 8 and 9 are in strangers and have colluded to oust the petitioners from the said land as mentioned above and started illegal construction in the land of the petitioners and prays for a direction from this Court to demolish such illegal and unauthorized construction erected by the private respondents.

On the last occasion, no one appeared for the private respondents but the learned counsel appearing for the State files a report.

The report dated 25.06.2025 is as under:

“The Hon’ble High Court was pleased to add the Sub-Divisional officer, Sadar, Hooghly, as a party on 05.05.2025 in WPA 7122 of 2022 in the matter Saker Ali @ Sk. Maser Ali & Anr. –vs- State of West Bengal & Ors. On basis of the prayer of the petitioner .

After perusing the R.T.I. reply dated 07/03/2022 of the concerned Gram Panchyat addred to the Ld. Advocate to the petitioners it is noticed that the Dasghara II GP, Hooghly has mentioned in their report that R.S. Plot No.313 and L.R. Plot No. 353, Mouza-Dighir, under Police Station Dhaniakhali in the district of Hooghly are divine property, so there is no need of application for sanction of building plan for these two plots.

According to Section 23(5) of the West Bengal Panchyat Act, 1973 (as amended in 2017) when any new structure or building or addition/alteration has been made

in the contravention of sub-Section (1) of Section 23 of the said Act, the permission granting authority (concerned Gram Panchyat) may refer the matter to the Sub-Divisional officer who may make an order for demolition.”

Heard learned counsel for the parties and perused the application as well as annexures, documents and report filed by the respondent authorities. The Sub-Divisional Officer, Sadar, Hooghly, Chinsurah being the respondent no. 12 in the instant application is requested to file a report on the next date of hearing indicating as to whether permission is granted by the Gram Panchayat to demolish the said illegal structure and, if it is found that the structure is illegal to demolish the illegal structure and file a report of such demolition.

Let this matter again appear in the list on 27th March, 2026.

(Rajarshi Bharadwaj, J.)