

Item No. 17
19.05.2026
Court. No. 12
Sandip

MAT 847 of 2026
With
CAN 1 of 2026

Golam Pearu Mirza alias Golam Pearul Mirza
VS
The State of West Bengal & Ors.

*Mr. Partha Pratim Roy,
Ms. Poulami Chakraborty*

... for the Appellant.

*Mr. Mujibar Ali Naskar,
Mr. Imtiaz Ahamed*

... for the respondent Nos. 10 & 11..

1. The Sub Divisional Officer, Kandi shall assess the extent of deviation in the construction of the appellant Golam Pearu Mirza, by comparing the existing construction with the measurements in the sanction plan. Sanction was granted in favour of the appellant by the gram panchayat.
2. An inspection will be held by the SDO and his team, in the presence of the parties.
3. The report will clearly indicate the area of construction which was permissible under the said sanction and whether the existing construction is beyond what was sanctioned.
4. We find that the sanction was granted on two occasions, once for construction of 964 sq. ft. and thereafter for construction of 3092.74 sq. ft.
5. The Sub Divisional Officer will also obtain the decision of the Gram Panchayat and the resolution

taken in the meeting of the Gram Panchayat for sanction of 3092.74 square feet, which appears from a document dated October 5, 2020. Let such report be filed on June 15, 2026, when the matter will appear under the heading 'To Be Mentioned' at 2 P.M.

6. A copy of this order will be served in the office of the SDO, Kandi and the learned Legal Remembrancer, by the appellant. The learned Legal Remembrancer will communicate this order to the Sub Divisional Officer, Kandi for necessary action. Till the matter is taken up on the next occasion, demolition will not be effected.
7. It is made clear that, the appellant shall not change the nature and character of the construction and will also not alienate or encumber the construction in any way. The Sub Divisional Officer will inform the parties the date of inspection.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)