

WPA 15236 of 2026

Jhareswar Gharai
Vs.
The State of W.B. & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Ms. B. Bhattacharya ...for the petitioner.

Mr. Biswarup Chatterjee
...for respondent nos.9 -11.

Mr. Manoranjan Jana
Mr. Subhojit Das ...for the State.

Affidavit of service filed by the petitioner is taken on record.

The Panchayat is not represented despite service.

Alleging unauthorized construction raised by the private respondents, the petitioner submitted a representation before the concerned authority on 10th March, 2024. The representation was not considered for which the petitioner approached this Court in a writ petition being WPA 9882 of 2024. By an order passed on 8th July, 2024, a co-ordinate Bench of this Court disposed of the writ petition directing the Pradhan of the concerned Gram Panchayat to cause physical inspection of the unauthorized and illegal construction and thereafter consider and dispose of the representation upon granting reasonable opportunity of hearing to the parties. The order was not complied with for which contempt application was

filed. Pursuant to the same, the Pradhan, Basantapur Gram Panchayat dealt with the representation and by an order passed on 4th June, 2025, held that the predecessor in interest of the private respondents obtained a sanctioned building plan without conversion of the land to 'Bastu'. No construction was raised during his lifetime. Before about 5/6 years his son Sk. Baoddin (10th respondent herein) raised construction without obtaining any sanctioned plan and has been residing therein with his family. The order records that the matter was forwarded to the Sub-Divisional Officer, Contai for necessary action.

Learned counsel for the petitioner submits that no step has been taken by the Sub-Divisional Officer till date.

Learned counsel for the private respondents submits a copy of the conversion certificate which demonstrates that the plot in question was converted to 'Bastu' on 24th September, 2025.

Learned counsel has referred to a sanctioned plan issued in favour of the predecessor in interest of the private respondents. But it is crystal clear from the order passed by the Pradhan that no construction was raised by the said predecessor during his lifetime and the sanctioned plan was also obtained without conversion of the land. The alleged construction was raised by the 10th respondent before about 5/6 years without sanctioned plan. The order passed by the Pradhan has not been challenged by the private respondents.

In view of the above, this Court is inclined to hold that since the order has been forwarded to the Sub-Divisional Officer, being the 3rd respondent herein, for taking necessary steps, the 3rd respondent is directed to take necessary steps in terms of Section 23(5) of the West Bengal Panchayat Act, 1973 and conclude the entire exercise within four weeks from the date of communication of this order.

The decision taken by the authority shall be communicated to the parties within a week thereof.

The allegedly unauthorized construction shall be demolished positively within the time frame stated hereinabove.

The writ petition is 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.)