

July 20, 2026  
(40) ARDR

**WPA 10665 of 2026**

Sudipta Bera  
Vs.  
The State of West Bengal & ors.

Adv. Raj Kumar Sain,  
...for the petitioner.  
Adv. Sandipan Maity,  
...for the respondent no.4.  
Adv. Dipto Dipak Banerjee,  
Adv. Abhishek Dutta,  
Adv. Priyadarsi Pramanik,  
...for the respondent no.6.  
Adv. Madhu Jana,  
Adv. Simran Sureka,  
...for the State.

The petitioner alleges that the private respondent has raised unauthorised construction without obtaining sanction from the concerned Panchayat. Pursuant to a representation submitted by the petitioner, the issue was dealt with by the Pradhan, Garkamalpur Gram Panchayat who by an order passed on 18<sup>th</sup> May, 2026, held that the construction raised by the private respondent is illegal and unauthorised. The matter was referred to the Sub Divisional Officer, Haldia for further steps.

Learned counsel for the petitioner seeks a direction upon the Sub Divisional Officer to deal with the issue within a stipulated time frame.

Learned counsel for the private respondent submits that no such construction is raised by the private respondent in the plot in question. A Title Suit being T. S. no. 107 of 2026 filed by one Gour Hari Samanta, owner of the plot in question, against the petitioner and his father is pending. Learned counsel submits that the private respondent has no nexus whatsoever with the shop room

in the name and style of “Parul Mistanna Bhandar” raised in the plot in question.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the order passed by the Pradhan, Garkamalpur Gram Panchayat has been forwarded to the Sub Divisional Officer for taking necessary steps in terms of Section 23(5) of The West Bengal Panchayat Act, 1973, the Sub Divisional Officer, Haldia Sub Division, being the 3<sup>rd</sup> respondent herein, is directed to deal with the issue in terms of Section 23(5) of the Act and pass a reasoned order 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.

In the event the construction allegedly raised by the private respondent is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)**