

20.09.2024
Item No.4
Ct. No.15
S.A.

WPA 23566 of 2024

Murshida Laskar
-vs-
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan
Mr. Maidul Islam Kayal
Ms. Tapati Sarkar
...for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State
Mr. Tapash Kumar Mondal
...for South 24 Parganas Zilla Parishad
Mr. Sujoy Sarkar
Ms. Sneha Srivastava
...for respondent no.12

Let the name of Mr. Tapash Kumar Mondal, representing the South 24 Parganas Zilla Parishad, be recorded in the earlier order dated September 17, 2024.

By filing WPA 11301 of 2021, one Makhlufer Rahaman Gazi alleged unauthorized construction at the behest of Abu Chelem Laskar at the relevant premises. This writ petition was disposed of on February 18, 2022, by a Coordinate Bench of this Court, which directed the respondents to demolish the unauthorized construction.

Abu Chelem Laskar subsequently filed an appeal (MAT 225 of 2022) against this order, which was disposed of on March 30, 2022, directing the

relevant Panchayat Authority to take steps for the demolition of the structure in question.

Thereafter, the matter was taken up by the Zilla Parishad, 24 Parganas (South), which relegated the issue to the Panchayat Authority by an order dated August 2, 2022, passed by the District Engineer of the Zilla Parishad.

Abu Chelem Laskar challenged this order of the District Engineer by filing WPA 28779 of 2022. Additionally, Makhlufer Rahaman Gazi filed WPA 5641 of 2023 seeking implementation of the District Engineer's order dated August 2, 2022.

Both writ petitions were heard by a Coordinate Bench of this Court by an order dated April 5, 2023, the Bench directed the Zilla Parishad, Panchayat Samity, and Gram Panchayat to forward all relevant documents regarding the demolition to the Sub-Divisional Officer, Baruipur, 24 Parganas (South), for necessary actions under Sections 23(5) and 114B of the West Bengal Panchayat Act, 1973.

Consequently, an order was issued by the Sub-Divisional Officer, Baruipur, 24 Parganas (South) on August 30, 2024, directing the Panchayat Authorities to complete the demolition process. In compliance with this order, the Block Development Officer, Joynagar II, 24 Parganas (South), issued a notification on September 11, 2024, for the demolition of

unauthorized constructions at plot numbers 249, 250, and other plots.

By filing this present writ petition, Murshida Laskar, the wife of Abu Chelem Laskar, expresses her concern that a construction erected by her in 2024 may also be subject to demolition following the notice issued by the Block Development Officer on September 11, 2024.

It has been submitted that the area of plot number 249 is about 152 decimals, while plot number 250 is approximately 156 decimals. The petitioner purchased 6 decimals from each of the aforementioned plots in January 2024 and constructed a building thereon after obtaining the necessary permissions from all relevant authorities.

The order dated April 5, 2023, passed in the earlier round of litigation indicates that three constructions labeled A, B, and C have been directed for demolition by this Court. Therefore, I am of the opinion that the demolition process should be confined to these three constructions identified as A, B, and C.

In light of this, the concerned authorities should be permitted to proceed with the demolition of the constructions labeled A, B, and C as reported by the District Engineer in the order dated August 2, 2022. A competent officer from the Zilla Parishad shall be

present during the demolition to accurately identify the constructions designated as A, B, and C.

Accordingly, **WPA 23566 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)