

22 & 23
01.04.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22064 of 2023

**Jasim Uddin Mir
-versus-
The State of West Bengal & Ors.**

With

W.P.A. 23057 of 2023

**Ashadulla Mir
-versus-
The State of West Bengal & Ors.**

**Ms. Pampa Dey (Dhabal).
...For the Petitioner
In WPA 22064 of 2023 and
for the private respondent
In WPA 23057 of 2023.**

**Mr. Abhijit Ray,
Mr. Goutam Ray,
Ms. Piyali Roy,
Mr. Santu Nandy.
...For the private respondent
nos. 8 & 9 in WPA 22064 of
2023 and for the petitioner
In WPA 23057 of 2023.**

**Mr. Sima Adhikary,
Mr. Soumik Dey.
... For the State
in WPA 22064 of 2023.**

**Mr. Amal Kumar Sen, AGP
Ms. Sahina Sumi.
...For the State
in WPA 23057 of 2023.**

The Block Development Officer, Budge Budge –II
Development Block has filed a report annexing the
report filed by the Pradhan and the Nirman Sahayak of

the Gram Panchayat wherefrom it appears that the building plan for construction of G+1 i.e. 1st and 2nd floor was sanctioned on 30th May, 2012 which was valid till 29th May, 2015. Thereafter, no application was made for renewal of the said plan.

The allegation of Jasim Uddin Mir, the petitioner in WPA 22064 of 2023 is that the construction of the entire 1st floor is illegal as the same was made long after the sanctioned plan lapsed.

Ashadulla Mir, the writ petitioner in WPA 23057 of 2023 challenges the order of demolition passed by the Sub-Divisional Officer, Sadar on 18th August, 2023 directing Ashadulla Mir to demolish the unsanctioned portion of the building that is the staircase and the cantilever verandah amounting to 77.98 sq.ft.

According to Ashadulla Mir, the construction in question was made within the validity period of sanctioned plan.

As an issue has been raised with regard to the age of the construction, the Sub-Divisional Officer is directed to ascertain as to whether the construction in question has been made during the validity period of sanctioned plan or not.

If it appears that the construction in question was made after lapse of the sanctioned plan, the said construction has to be treated as an unauthorized one and necessary steps shall be taken to deal with the same in accordance with law.

The Sub-Divisional Officer is directed to take steps in the matter at the earliest, but positively within

a period of four months from the date of communication of this order.

Further spot inspection and opportunity of hearing shall be given to both the parties prior to arriving at a final conclusion in the matter.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)