

03-07-2025

Item no.85

**Subrata
Bhattacharyya
AR(C)**

IN THE HIGH COURT AT CALCUTTA

Special Civil Jurisdiction

Appellate Side

WPCRC No.91 of 2024

Iva Naskar alias Mukherjee

Vs

Haren Ghorui

with

CAN No.1 of 2025

arising out of

WPA No.9206 of 2022

Mr. Mrinal Kanti Ghosh ...for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly ...for contemnor no. 6

Mr. Rabindranath Mahato
Mr. Hasanuzzaman
Mr. Aritra Shankar Ray
Md. Zeeshanuz Zaman ...for the applicants

1. The matter relates to unauthorized construction. It appears that the Pradhan has come to a finding that the plan was not sanctioned properly. The Pradhan has sought instructions from the Sub-Divisional Officer with regard to demolition of the subject structure which is alleged to be constructed unauthorizedly by the petitioner.
2. According to law, the Pradhan is not authorized to pass an order of demolition. The Pradhan is required to forward the entire file to the Sub-Divisional Officer for taking necessary steps in respect of the construction complained of.
3. Learned counsel for the Pradhan submits that the matter is pending before the Sub-Divisional Officer, Canning Town.

4. From the communication of the Pradhan dated June 16, 2025 it is not very clear as to whether the entire file relating to unauthorized construction has been forwarded to the Pradhan or not.
5. The Pradhan is, accordingly, directed to forward the entire file dealing with the unauthorized construction to the Sub-Divisional Officer within a fortnight from date. The Sub-Divisional Officer shall give an opportunity of hearing to the petitioner and the persons who are responsible for making unauthorized construction namely Biplab Naskar and others. After hearing both the parties, the Sub-Divisional Officer shall pass necessary order in the matter in accordance with law. The Sub-Divisional Officer will act upon within eight weeks from the date of receiving the file from the Pradhan.
6. The Contempt Rule stands discharged; the contempt application is disposed of.
7. CAN No.1 of 2025 filed for addition of party by Biplab Naskar and others stands allowed.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

[Amrita Sinha, J]

