

30.07.2025
Court No.13
Item No. 3+4
sp

M.A.T. 680 of 2025
With
CAN 1 of 2025
Sri Shyamal Kumar Dutta.
Vs.
State of West Bengal & Ors.

With
M.A.T. 681 of 2025
With
CAN 1 of 2025
Sri Shyamal Kumar Dutta.
Vs.
State of West Bengal & Ors.

Mr. Kaustav Benerjee.
Ms. Ria Kundu.

...For the appellants.

Mr. Santanu Kr. Mitra,
Mr. Subhabrata Das,
...For the State in MAT 680 of 2025.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.
...For the State in MAT 681 of 2025.

Mr. Pratip Kumar Chatterjee,
Ms. Maitrayee Chatterjee.
..for the private respondent no. 11.

1. Both the matters have been listed for extension of interim order.

2. This Court is of the view that both the appeals may be taken up for hearing.

3. Affidavit-in-opposition and reply to the stay application in MAT 680 of 2025 are taken on record.

4. The opposition of the State filed in MAT 680 of 2025 shall also govern in MAT 681 of 2025 since both

the appeals are against the same order dated 30th April, 2025.

5. The writ petition before the Single Bench which resulted in the impugned order dated 30th April, 2025 records in detail, several earlier writ petitions filed by the respondent no. 11, owner of plot No. 5020, J.L. No. 36, Mouza- Ketugram, District- Bardwan.

6. Several orders have been passed in earlier writ petitions and carried in appeal. Two issues have been addressed in the proceedings that has been held till now. The first one is the encroachment by the appellant of certain property which is subject matter of a civil suit being T.S. 44 of 2009, now pending before the learned Civil Judge (Sr. Division), 2nd Court at Katwa.

7. The other issue in the writ petitions and appeals that have been referred to by the Single Bench is the unauthorized construction beyond sanction plan by the appellant.

8. Several directions have been passed in the earlier proceeding, holding that it is the Panchayat authority who can dwell upon the same. Initially the Pradhan of the concerned Gram Panchayat had submitted a report to the BDO concerned, holding that there was construction in deviation of sanction plan affected by the appellant both on the northern and southern side

of the property. The said report came to be considered and reconsidered and finally, the SDO concerned passed an order dated 26th March, 2025 finding that there was unauthorized construction by the appellant on the northern side to the extent of 48 ft. and 4", on the southern side to the extent of 35 ft. and 2", on the eastern side to the extent of 11 ft. and on the western side to the extent of 8 ft. and 10".

9. The SDO had heard the BDO as well as the appellant and other parties and the private respondents in the writ petition. Principles of natural justice have been followed in the proceedings conducted by the SDO. The order is neither perverse nor contrary to law.

10. In the above circumstances, the Single Bench was wholly justified in dismissing two writ petitions and upholding the order of demolition of the unauthorized construction effected by the appellant beyond the sanction plan as described hereinabove, and more fully described in the order of the SDO dated 26th March, 2025.

11. In the above circumstances, this Court is of the clear view that the order passed by the Single Bench dated 30th April, 2025 impugned in these two appeals calls for absolutely no interference.

12. The SDO, Katwa, and/or his Delegates shall proceed with execution of the order dated 26th March, 2025.

13. MAT 680 of 2025 and MAT 681 of 2025 are, therefore, dismissed.

14. Interim orders, if any, shall stand vacated.

15. Consequently, all connected applications, if any, shall stand disposed of.

16. There shall be no order as to costs.

17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)