

11.03.2025

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 14826 of 2024
CAN 1 of 2024**

**Mintu Mondal
-Vs-
The State of West Bengal & Ors.**

Mr. Subhasish Pachhal
... for the petitioner

Mr. Subrata Guha Biswas
Ms. Payel Mitra
... for the State-respondent

Re : **CAN 1 of 2024**

This is an application for addition of party.

None appears to move the application.

Accordingly, the application being **CAN 1 of 2024**
is dismissed for default.

Re : **W.P.A. 14826 of 2024**

This writ petition has been filed seeking direction upon the respondents and their men and agents to allow the petitioner to carry out the work of construction over his land within plot No.316 (*sabek*) situated at Mouza Sankaridaha, J.L. No.22 under Domjur Police Station, District Howrah as per sanction building plan.

This is second round of litigation.

Previously, a writ petition being WPA 3485 of 2022 was filed by one Blue Pearls Arch & Developers Pvt. Ltd. against the petitioner herein and others alleging of unauthorized construction by them. Upon hearing, following order was passed :

“ These disputed questions of facts cannot be decided by the Court. Thus, the writ petition is disposed of with a direction upon the Executive Officer, Domjur Panchayat Samity to make an enquiry into the matter and come to a finding upon hearing the petitioner and the respondent Nos.9 to 15. The writ petition be treated as a representation of the petitioner. If it is found that the allegations of the petitioner are correct, in that case, a reasoned order shall be passed and communicated to the panchayat authorities. The nature and extent of the unauthorized construction shall be indicated in the order. Thereafter, steps shall be taken in accordance with the provisions of Section 23(5) of the West Bengal Panchayat Act, 1973 with regard to the unauthorized/ illegal construction by the panchayat authorities. If the allegations of the petitioner appear to be incorrect, in that case, a reasoned order shall be passed to that effect by the Domjur Panchayat Samity and communicated to the petitioner and others.”

The petitioner who was a respondent in the earlier writ petition contends that the aforesaid order of this Court has not been complied by the Executive Officer and no such enquiry has been made till date despite the copy of the order been forwarded to the Executive Officer, the respondent no.8 on 27th July, 2023. He seeks for appropriate direction.

In view of the above, the Executive Officer is directed to comply the direction issued by this Court vide order dated 27th September, 2022 in WPA 3485 of

2022, within a period of four weeks from the date of communication of this order.

Petitioner is directed to communicate this order to the Executive Officer, Domjur Panchayat Samiti, respondent no.8.

With the above observations, the writ petition being **WPA 14826 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)