

19
10.12.2025
Ct. No. 32
SB

WPA 14297 of 2022

Manmathonath Dutta @ Manmatho Kumar Dutta
Vs.
State of West Bengal & Ors.

Mr. K.J. Tewari
Mr. Manas Kumar Das ... for the petitioner

Mr. P.S. Ghosh
Mr. Joy Chakraborty
Ms. Ipsita Ghosh ...Respondent No. 7

Affidavit-in-reply filed by the petitioner to the affidavit-in-opposition filed by the private respondent no. 7 in court today is taken on record. Copy of the same has already been served.

This instant writ petition has been filed by the petitioner challenging the order dated 03.6.2022 passed by the S.D.O. Kandi, Murshidabad.

By the said order the S.D.O, Kandi. has directed the present writ petitioner to demolish the illegal new structure and remove materials / rubbish within one month from the date of the order.

It is contended by the Learned counsel for the Petitioner that the petitioner inherited Plot No.953 and 954 from his father Girija Bhusan Dutta after his demise. The Petitioner's name is also recorded in the record of rights and he has been residing there following an amicable demarcation among the brothers.

He constructed one room in the vacant land due to scarcity of the room for his two sons, who have now grown up. He thereafter applied for regularization of the said constructed room, to be regularized upon payment of requisite penalty imposed by the

authority, but the same has not yet been considered by the Pradhan.

Having heard the submission of the Learned counsels for the respective parties and upon perusal of the impugned order, it appears that pursuant to the order dated 27.04.2022 passed by the co-ordinate Bench of this court in W.P.A No. 4754 of 2022, the SDO, Kandi has given adequate opportunity of hearing to all concerned including the writ petitioner but during hearing, the present writ petitioner failed to produce any valid document or copy of permission of the Pradhan of the concerned Gram Panchayet for raising illegal construction over the land involved in the writ petition. Therefore, a direction has been passed to demolish the illegal new structure and remove materials/rubbish within one month from the date of order.

The writ petitioner has constructed illegal structure without availing any sanctioned plan from the Gram Panchayet violating the Panchayet Act, Accordingly, as per provision of Sub Section 5 of Section 23 of the W.B. Panchayat Act (Amendment)2017 and vide notification No. 11175-L dated 16th October, 2017 the aforesaid order has been passed by the SDO. Furthermore, the writ petitioner applied for regularization after demolition order, which is not permissible in law.

This Court does not find any error or perversity and/or any violation of principle of natural justice.

In the above back drop, impugned order under challenge calls for no interference.

Accordingly, this writ petition has devoid of merits and the same is dismissed without any order as to costs.

Interim order, if any, stands vacated.

S.D.O. Kandi is directed to take necessary steps in accordance with law.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(AJAY KUMAR GUPTA, J.)