

Sl. No.27.
10.11.2025
Suman
Ct. 15

WPA 14373 of 2025

Sk. Yousuf Ali
Vs.
The State of West Bengal & Ors.

Ms. Bidisha Das
Ms. Susmita Das
Ms. S. Panda
..for the petitioner

Mr. Ansar Mandal
Mr. Tanweer J. Mandal
..for the State

By filing the present writ petition, the petitioner seeks enforcement of the order dated March 14, 2023, passed in WPA 5212 of 2023 by a Co-ordinate Bench of this Hon'ble Court.

The learned advocate appearing on behalf of the State submits that the Block Development Officer, Bagnan-I, had sought a report from the Pradhan of Binan Gram Panchayat regarding compliance with the aforesaid order dated March 14, 2023. In response, the Pradhan submitted a report stating that a residential building has been constructed on the bank of a river, which is claimed to have been erected in 2019 on bastu (homestead) land. The Pradhan further observed that a proper resolution of the issue may be achieved if the relevant land is measured by the BL&LRO.

Let the communication from the Pradhan addressed to the Block Development Officer, Bagnan-I, be kept on record.

The learned Judge, while disposing of WPA 5212 of 2023 by the order dated March 14, 2023, inter alia, directed as follows:

“a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioners and the respondent nos. 6 to 10. An advance notice of the inspection shall be served upon the petitioners and the respondent nos. 6 to 10 and/or all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.

b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and in deviation of the building rules and was continuing, the authorities may take such interim measures by stopping such construction.

c) A report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

d) Such report shall be handed over to the parties. the question of title, possession and boundary dispute etc. shall not be decided by the panchayet authorities. The issues that shall be decided by the panchayet authorities are whether the alleged construction has been made on a ‘Pukur Par’, which had not been classified as ‘Bastu’ and whether any permission had been granted for such construction or not.

e) A hearing shall be given to the petitioners and the respondent nos. 6 to 10. The parties must also be allowed to furnish their written objection/version to the report and adduce oral and documentary evidence in support of their contentions before the competent authority. All points raised by either party, will be decided.

f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of Section 23(5) West Bengal Panchayet Act, 1973.

The court has not gone into the merits of the claims of the petitioners and the issues involved shall be decided independently.

The entire exercise shall be completed within a period of four months from the date of communication of this order.”

It is evident that the aforesaid order has not yet been complied with.

In view of the above, the present writ petition is disposed of with a direction upon the respondents to ensure compliance with the order dated March 14, 2023, within a period of two months from the date of communication of this order.

Accordingly, **WPA 14373 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)