

10.07.2025
Sl. No.66(DL)
Ct. No.42
srm

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

W.P.A. No. 14330 of 2025

Sri Agasti Charan Ghosh

Versus

The State of West Bengal & Ors.

Mr. Debasish Das

...for the Petitioner.

Mr. Sujoy Mondal,
Mr. Siddhartha Banerjee,
Mr. Nikhil Kumar Gupta

...for the State-respondents.

Mr. Kaushik Dey,
Mr. Shoham Sanyal

...for the Respondent No.10.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

The writ petition is filed seeking for a direction
upon the respondents, particularly, the respondent
No.6, Sub-Divisional Officer, Jhargram not to give
effect or further effect to the orders dated 21st August,
2024, 26th May, 2025 and 20th June, 2025 passed in
Case No.2 by him and commanding the respondent
Nos.6 to 8 to hold an enquiry in Plot Nos.25, 43 and 45
within Mouza-Khudmari, J.L. No.232, Police Station
Nayagram, District Jhargram.

This is 5th round of litigation.

An earlier writ petition was filed by the private
respondent No.10 being WPA 17706 of 2021 with the

allegation that the respondent No.7 (petitioner herein) has constructed an unauthorised construction over a portion of undivided property without obtaining sanctioned plan. The said writ petition was disposed of with the following direction:

“Having considered the rival contentions of the respective parties, the writ petition is disposed of with a direction upon the competent authority of the concerned Gram Panchayat to act and proceed in accordance with law. An inspection shall be held in the presence of the parties. A copy of the inspection report shall be supplied to the respective parties. Thereafter the parties shall be allowed to adduce oral and documentary evidence, as the case may be, in order to substantiate their claims. On the basis of what transpires at the inspection, a hearing shall be given to the petitioner as also the respondent No.7. A reasoned order shall be passed and communicated to all concerned. Needless to mention that the Panchayat authorities shall reach the proceedings to its logical conclusion, in accordance with law.”

Since the Sub-Divisional Officer did not take steps, the respondent No.10 Khagendra Nath Ghosh once again filed the writ petition being WPA No.2 of 2023 which was disposed of with the following direction:

“Moreover no permission for construction could be granted by the panchayat authorities unless the land on which such construction was made had been converted to Bastu.

Mr. Ganguli raises the question of deemed sanction. The Sub-Divisional Officer, Jhargram is directed to act and proceed in terms of Section 23(5) of the said Act and conclude the matter upon coming to a specific finding. Such conclusion shall be arrived at upon hearing the parties. The parties are at liberty to make their submissions before the authority. A reasoned order shall be passed and communicated to the parties. Thereafter, follow up steps shall be taken in accordance with law.

The police report filed in Court is taken on record.

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

Pursuant thereto, the Sub-Divisional Officer passed order on 20th February, 2023 as follows:

“Therefore, in compliance with the solemn order of the Hon’ble Justice Shampa Sarkar of the High Court at Calcutta, passed on 11-01-2023 in disposing of the WPA No.2 of 2023 and as per provision of Section 23(5) of the West Bengal Panchayat (Amendment) Act, 2017, I, the Sub-Divisional Officer, Jhargram Sadar Sub-Division, do hereby direct the private respondent namely Shri Agasti Charan Ghosh, S/o Late Durjodhan Ghosh, residing at Village Khudmorai, PO Jamirapal, PS Nayagram, Dist. Jhargram, to demolish the unauthorized construction made by him on Plot No.44 at Mouza Khudmorai (JL No.232) under Nayagram Poling Station, within six weeks of communication of this order.”

Thereafter, the petitioner herein filed a writ petition being WPA 12711 of 2023 challenging the order of the Sub-Divisional Officer dated 20th February, 2023 whereby the petitioner was directed to demolish the unauthorised construction. The said writ petition was disposed of with the following direction:

“The Court does not find any apparent infirmity in the impugned order. However, since it has been submitted that there is similar construction made at the end of the private respondent, accordingly, the Sub-Divisional Officer is directed to cause a spot inspection to ascertain as to whether there is any unauthorized construction made by any other party over the selfsame plot of land without obtaining any conversion certificate and without obtaining any sanctioned plan from the Panchayat.”

Such order was challenged in appeal in FMA 135 of 2024 wherein the appeal was dismissed on 9th June, 2025 affirming the order of the learned Single Judge, which reads as follows:

“6. What is, therefore, clear is that the appellant applied for construction of a residential property on an agricultural land.

7. In that view of the matter, the decision of the Sub-Divisional Officer, Jhargram dated 20th February, 2023 directing unauthorized construction made by the appellant was not interfered with by the learned Single Judge of this Court.

8. This Court sees no reason to interfere with the order of the learned Single Judge of this Court.

9. Not only has the appellant effected construction without sanction from the Gram Panchayat but has also effected construction on agricultural land even before its conversion to a Bastu land.

10. The learned Single Judge of this Court on the prayer of the appellant has also directed an enquiry into the construction made by the private respondent/brother of the appellant and directed the Sub-Divisional officer, Jhargram to take steps in accordance with law.

11. In view of the above, this Court is of the view that the impugned order dated 4th October, 2023 calls for no interference.”

The order of the Hon’ble Division Bench in appeal clearly holds that not only has the petitioner herein effected construction without sanction from the Gram Panchayat but has also effected construction on agricultural land even before its conversion to a *Bastu* land.

Learned Advocate for the writ petition contends that no such notice was served prior to holding inspection. It is relevant to note that no such plea was ever vouched before this Court in the prior rounds of litigation.

Such being the position that there is no merit in the writ petition and is liable to be dismissed.

Accordingly, the writ petition being **WPA 14330 of 2025** is dismissed.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

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.)