

10.09.2025
Item No.25
Ct. No.42
ss

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

W.P.A. 15110 of 2025

**Mannan Gazi
-Vs-
The State of West Bengal & Ors.**

Mr. Sandip Das
... for the petitioner

Mr. Biswajit De
Mr. Debattam Das
... for the State

Mr. Shahan Shah
Sk. Abumusa
Md. Shajahan
... for the private-respondent no.9

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas, respondent no.2 to take steps for removal of unauthorized construction raised by the private respondent no.8 to 16.
3. The petitioner contends that the private respondents having no right over the land-in-question have raised unauthorized construction in L.R. Plot No.657, Khatian No.38, J.L. No.56 at Mouza Parui, Police Station Mograhat, District South 24-Parganas. On the aforesaid contention, the petitioner filed a writ petition being WPA 27895 of 2024.

4. The aforesaid writ petition was disposed of by order dated 14th January, 2025 with the following direction:

“ In view of the above, WPA 27895 of 2024 is disposed of by directing the respondent nos.5 and 5(a) to consider and dispose of the representation of the petitioner dated September 26, 2024 within a period of six weeks from the date of communication of this order to the said respondent and after giving a right of hearing to all the affected parties including the petitioner, in accordance with law and without being influenced by any observation made in this order.”

5. Pursuant thereto, the Pradhan, Amratola Gram Panchayat, has passed order and referred the matter to the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas for further course of action. Although date was fixed for hearing, however, till date the Sub-Divisional Officer has not passed any order for removal of the unauthorized construction made by the private-respondents. Hence, this writ petition.
6. Mr. Sandip Das, learned Advocate for the petitioner submits that a specific direction be issued upon the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas, respondent no.2 to take necessary steps for removal of the unauthorized construction.
7. Mr. Biswajit De, learned Advocate representing the State submits that the Pradhan, Amratola Gram Panchayat, respondent no.7 has rightly referred the matter to the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas under Section 23(5) of

the West Bengal Panchayat Act, 1973 for implementation of such order.

8. Mr. Shahan Shah, learned Advocate for the private-respondent no.9 submits that such construction is not an illegal one.
9. It is found that pursuant to order of this Court passed in WPA 27895 of 2024 an order has been passed by the Pradhan, Amratola Gram Panchayat, respondent no.7 holding that a concrete building has been raised in one part of the land in respect of L.R. Dag No.657 (old 629), Khatian No.38, J.L. No.56 at Mouza Parui, Police Station Magrahat under District South 24-Parganas without any sanctioned building plan.
10. It is not in dispute that the matter has referred to the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas, who is yet to decide the matter.
11. In view of the above, the writ petition being **WPA 15110 of 2025** is disposed of directing the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas, respondent no.2 to take necessary steps required under the law, within a period of six weeks from the date of communication of this order, without granting any unnecessary adjournments to either of the parties.

12. Petitioner is directed to communicate this order to the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas, for necessary compliance.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand dismissed.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)