

Court No. 15

22.12.2025

(Item No.162)

(AB)

W.P.A. 21761 of 2025

Mr. Abdul Gaffar Biswas
VS
The State of West Bengal & Ors.

Mr. Aditya Bikram Mahata
.... For the petitioner
Mr. Ashis Saha
Mr. Manas Kumar Sadhu
.... For the State
Mr. Qam Foroz
Ms. Torsa Min Bahar
.... For respondent ns. 8

The petitioner submits that his right, title, and interest over a plot of land situated at Premises No. 8287, Khatian No. 1808, J.L. No. 50, Mouza Bithari, under Swarupnagar Block, District North 24 Parganas, have been declared by a competent Civil Court.

It is alleged that Respondent No. 8 has made unauthorized construction on the said premises. The petitioner seeks an order directing demolition of the said construction by the Panchayat on the ground that no sanction was obtained.

Learned advocate appearing for Respondent No. 8 submits that Respondent No. 8 purchased the plot in question in the year 2019 and immediately thereafter constructed the structure on the said plot in the same year.

The petitioner filed a suit for pre-emption against Respondent No. 8, which was decreed. The

appeal preferred by Respondent No. 8 was also dismissed. Respondent No. 8 has, however, filed a revisional application before this Court, which is presently pending.

I find no justification to pass any order of demolition in the present writ petition. The photograph annexed to the writ petition at page 40 indicates that the nature of the construction is purely temporary, which does not require any prior sanction from the Panchayat. Moreover, it is evident that the construction was made in the year 2019. At this belated stage, the petitioner cannot seek demolition of the structure solely on the ground of absence of a sanctioned plan.

The dismissal of the writ petition shall not, however, preclude the petitioner from executing the decree passed in the pre-emption suit in accordance with law.

Accordingly, **WPA 21761 of 2025** is not entertained and is dismissed.

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.)