

08.12.2025
Sl No.16
Ct. No.15
S.A.

WPA 25270 of 2025

Alamgir Badsha Mondal

-vs-

State of West Bengal & Ors.

Mr. Mohinoor Rahaman

Mr. Iqra Rahaman

...for the petitioner

Mr. Sudip Sarkar

Mr. Md. Hasanuzzaman

...for the State

Mr. Arka Maiti

Ms. Gulsanwara Pervin

...for respondent no.9

The petitioner challenges an order dated October 22, 2024, passed by the Sub-Divisional Officer, Basirhat, North 24 Parganas.

It appears that, at the instance of the writ petitioner in an earlier writ proceeding, a Co-ordinate Bench, by an order dated June 25, 2024, passed in WPA 16704 of 2023, inter alia, directed as follows:

*“Considering the above, the Pradhan of the concerned Panchayat is directed, upon issuing a prior notice to the petitioner and the private respondent no. 11 shall cause a physical inspection of the alleged unauthorized and illegal construction and then after giving them an opportunity of hearing shall dispose of the said representation dated **May 12, 2023**, as referred to above, by passing a reasoned order in accordance with law.*

*The entire exercise as directed above, shall be carried out and completed by the Pradhan of the concerned Panchayat positively within a period of **six weeks** from the date of communication of this order. The Pradhan then shall communicate*

*the reasoned order to the petitioner and the private respondent positively within a further period of **two weeks** from the date of the said reasoned order to be passed.*

It is made clear that, this Court has not gone into the merits of the claim of the petitioner mentioned in the said representation. The petitioner and the private respondent shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the Pradhan of the concerned Panchayat but the same shall not travel beyond the scope of the alleged unauthorized and illegal construction.

*In the event, the reasoned order confirms the alleged unauthorized and illegal construction, the Pradhan of the concerned Panchayat positively within a period of **seven days** from the date of the communication of the said reasoned order to the parties shall transmit the same and refer the matter before the jurisdictional **Sub Divisional Officer** in terms of **Sub Section (5) to Section 23** of the **West Bengal Panchayat Act, 1973**.*

*The jurisdictional **Sub Divisional Officer** then shall take all necessary and consequential steps to give an immediate effect to the said reasoned order, without any delay expeditiously in accordance with law.*

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive his claim in terms of his representation with regard to the alleged unauthorized and illegal construction.

*The petitioner shall serve a copy of this order upon the jurisdictional **Block Development Officer** who shall ensure that, the direction of this Court is carried out and complied with by the Pradhan of the concerned Panchayat.”*

In compliance with the said order, the Pradhan conducted an enquiry. Upon completion of the enquiry, he found that the relevant building had been renovated and remodelled pursuant to an

approved building plan and, moreover, after obtaining a conversion certificate under Section 4C of the West Bengal Land Reforms Act, 1955.

The Pradhan forwarded his report to the Sub-Divisional Officer, Basirhat. The Sub-Divisional Officer accepted the report and found no reason to pass any demolition order.

Learned advocate appearing for the petitioner, however, seeks to assail the order of the Sub-Divisional Officer on several grounds. It is alleged that the Pradhan had no authority to refer the matter to the Sub-Divisional Officer once no unauthorized construction was detected. It is further alleged that the Pradhan did not himself conduct the enquiry but relied instead on a report submitted by the concerned Block Land and Land Reforms Officer. It is also urged that the Pradhan forwarded his report to the Block Development Officer.

There is no merit in any of the contentions advanced on behalf of the petitioner.

It is true that once the Pradhan found that no unauthorized construction existed, the matter could have been concluded at that stage. A reference to the Sub-Divisional Officer was not strictly necessary. However, the mere fact that the matter

was referred to the Sub-Divisional Officer—who independently considered and accepted the report—does not vitiate the entire process. There is no basis to presume that the petitioner suffered any prejudice because of this referral. The fact remains that both authorities have reached a concurrent finding that the building was renovated and remodelled with prior sanction from the Panchayat Authority.

It is also not a requirement of law that the Pradhan must personally conduct the enquiry. He is entitled to rely on any credible source of information available to him while acting under Section 23(5) of the West Bengal Panchayat Act, 1973. Thus, the reliance upon the report of the Block Land and Land Reforms Officer does not invalidate the enquiry.

As to the communication to the Block Development Officer, the same is inconsequential. The Block Development Officer merely forwarded the Pradhan's recommendation to the Sub-Divisional Officer without exercising any independent authority.

Learned advocate for the petitioner submits that the petitioner has filed a contempt application, which is pending before this Court, on the ground that he has not received a reasoned order from the

Pradhan. This, however, does not affect the legality of the impugned order.

In view of the aforesaid, there is no ground to interfere with the order dated October 22, 2024.

Accordingly, **WPA 25270 of 2025** 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.)