

Sl. No.12.
08.12.2025
Suman
Ct. 15

WPA 25197 of 2025

Samarendranath Das
Vs.
The State of West Bengal and Ors.

Mr. Kishore Mukherjee
Mr. A. Dey
Ms. Dipanwita Gupta
..for the petitioner

Mr. Tapas Kumar Banerjee
Mr. S. Chakraborty
..for respondent nos. 7, 8, 9 and 10.

Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay
..for the State

This writ petition has been filed with a prayer for demolition of the unauthorised construction at plot no. 295/5589 under Mouza – Shyamsundar, Khatian No. 2128, J.L. No. 72, Block – Raina I, District – Purba Bardhaman.

In my view, there is no scope to grant such an order at this stage in view of the facts preceding the filing of this writ petition.

A Co-ordinate Bench of this Court, by an order dated December 2, 2024, directed the District Magistrate,

Purba Bardhaman, to consider and dispose of the petitioner's representation relating to the alleged unauthorised construction within a period of six weeks from the date of communication of the order, after giving notice to all concerned.

It appears that, following the said order, the District Magistrate, Purba Bardhaman, caused an enquiry to be conducted.

Mr. Kishore Mukherjee, learned advocate for the petitioner, submits that the enquiry detected some unauthorised construction at the relevant plot of land. However, the District Magistrate has not taken any steps pursuant to the enquiry report.

He submits that the District Magistrate should implement the order dated December 2, 2024.

This writ petition, in effect, has been filed to secure execution of that order.

A second writ petition is maintainable to execute the order passed in an earlier round of writ petition.

In view of the above, this writ petition is disposed of with a direction upon the District Magistrate, Purba Bardhaman, to conclude the proceedings based on the enquiry report, preferably within a period of three months from the date of communication of this order.

An opportunity of hearing shall be provided to all concerned by the District Magistrate in arriving at his decision.

Accordingly, **WPA 25197 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.)