

April 8, 2026
(50) ARDR

WPA 1607 of 2026

Balai Halder
Vs.
The State of West Bengal & ors.

Adv. Aditya Mondal,
Adv. Washim A. Dafader,
...for the petitioner.

Adv. Indrajit Roy Chowdhury,
Adv. Purnima Halder,
Adv. Sujan Roy,
...for the private respondents.

Adv. Sadhan Kr. Halder,
Adv. Rakesh Singh,
...for the State.

Supplementary affidavit filed by the petitioner is
taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by the
Sub Divisional Officer, Diamond Harbour, South 24
Parganas on 31st December, 2025 directing removal of the
unauthorised construction allegedly raised by the
petitioner, within a stipulated time frame.

Learned counsel places reliance on a document
executed by the Pradhan, Dhanpota Gram Panchayat on
9th March, 2021 and submits that the Pradhan granted
permission to the petitioner to repair his old dilapidated
mud house which was damaged due to natural calamity.
According to the petitioner he is only causing necessary
repair to the existing mud house and is not raising any new
construction therein.

It appears from the letter issued by the Panchayat on
9th March, 2021 that the Panchayat recommended

repairs/renovation of the mud house of the petitioner and did not grant permission for the same. The order impugned has been passed upon consideration of the submission of the relevant parties including the petitioner and the private respondents. The petitioner was unable to produce any document before the concerned authority to substantiate that the construction was being raised upon obtaining due permission from the relevant Panchayat. In exercise of power conferred upon the authority under Section 23(5) of the West Bengal Panchayat (Amendment) Act, 2017, the authority directed removal of the unauthorised construction by the petitioner at his own cost within a stipulated time frame failing which the Block Development Officer was authorised to remove such construction with the help of police assistance and recover the entire cost of such action from the encroacher. The report submitted by the Panchayat before the Sub Divisional Officer on 26th August, 202 also records that the construction raised by the petitioner is illegal.

In view of the above, this Court is inclined to hold that the order impugned has been passed upon consideration of the entire facts and circumstances and upon hearing the relevant parties. There is no illegality or irregularity in the said order which calls interference by this Court.

The order impugned dated 31st December, 2025 is affirmed.

The petitioner is directed to comply with the said order within four weeks from date failing which the Block Development Officer, Magrahat-II Development Block shall take necessary steps for compliance with the order in its true letter and spirit.

The writ petition is dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)