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25-02-2026
AKG
Ct. 15

WPA 4185 of 2026
Siddheswar Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sumitava Chakraborty,
Mr. Rahul Bhowmick,
Mr. Shantanu Chakraborty
...for the Petitioners

Mr. Tarun Kumar Ghosh,
Ms. Mousumi Biswas
...for the State

Mr. Dyutiman Banerjee,
Mr. Salil Kr. Maiti
...for Respondent No. 7

The facts of the case are required to be set out sequentially.

Respondent no. 7 initially submitted a representation dated May 3, 2024, before the Pradhan, Srinarayanpur Purnachandrapur Gram Panchayat, alleging unauthorized construction by the present petitioners on L.R. Dag No. 1685, Khatian Nos. 2763 and 3050, J.L. No. 7, Mouza-Maharpur, P.S.-Dholahat, District-South 24 Parganas.

Subsequently, respondent no. 7 filed WPA 16118 of 2024 before this Court, impleading the present petitioners as parties. By order dated July 12, 2024, a Coordinate Bench disposed of the said writ petition with a direction upon the respondent authorities to take steps in terms of Section 23(5) of the West Bengal Panchayat Act, 1973, in the event any unauthorized construction was detected on

the said plot of land.

Thereafter, the Pradhan referred the matter to the concerned Sub-Divisional Officer, Kakdwip, by letter dated September 30, 2024. By order dated January 21, 2025, the Sub-Divisional Officer directed demolition of the unauthorized construction on the ground that the same had been raised without any sanctioned plan from the Panchayat Authority.

Initially, learned counsel appearing for the petitioners contended that a copy of WPA 16118 of 2024 had not been served upon them. However, it has fairly been acknowledged today that a copy of the said writ petition had, in fact, been served.

It is contended on behalf of the petitioners, with reference to page 18 of the present writ petition, that they purchased the property in question on May 7, 2025, and, therefore, could not have undertaken any construction prior to their purchase, as alleged in the representation dated May 3, 2024.

The petitioners contend that they were not connected with the property at the relevant time and had not undertaken any construction thereon.

It is suggested that, at best, only such construction as existed prior to their purchase could be demolished pursuant to the impugned order, and that certain additional constructions allegedly made by them after

purchase were not the subject matter of the earlier proceedings.

In this context, it is necessary to examine the background of the sale deed dated May 7, 2025. The petitioners purchased the property from Asit Baran Patra, Pankaj Patra, Nandita De and Susmita Jana.

It appears that the said vendors collectively held a two-third undivided share in the property, while the remaining one-third share was held by respondent no. 7 at the time of execution of the sale deed. The petitioners, therefore, became purchasers of an undivided two-third share in the property and were, in effect, stranger purchasers.

This Court is, however, not concerned with adjudicating the right, title and interest of the parties in respect of the property.

The representation dated May 3, 2024, specifically alleged unauthorized construction by the petitioners. Despite being parties to WPA 16118 of 2024, the petitioners did not contest the proceedings.

Although the sale deed is dated May 7, 2025, the representation dated May 3, 2024, and the conduct of the petitioners suggests their involvement in the construction in question even before registration of the sale deed. In any event, this Court is not in a position to segregate the construction allegedly existing prior to the purchase from

that allegedly raised thereafter.

The sole basis for the demolition order passed by the Sub-Divisional Officer was the failure of the petitioners to produce any valid sanctioned plan. Even at the time of hearing before this Court, the petitioners were unable to produce any sanctioned plan to justify the construction presently standing on the land.

In such circumstances, this Court is not inclined to interfere with the order passed by the Sub-Divisional Officer, Kakdwip, South 24 Parganas.

Accordingly, **WPA 4185 of 2026** stands dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)