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jdt. 20.04.2026
jb.

WPA 5659 of 2026
(Baby Ruksa Begam. vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Biplab Adok
.... For the Petitioner
Mr. Suman Dey
Mr. Kinkar Bhattacharyya
.... For the State
Gazi Faruque Hossain
.... For the Respondent no. 12

In an earlier writ petition being WPA 11351 of 2024, the 12th respondent alleged unauthorised construction being raised by the 11th respondent on the land classified as 'doba' without obtaining any sanction or conversion of the same. By an order passed on 8th July, 2024, a co-ordinate Bench of this Court directed the Pradhan of the concerned Panchayat to issue prior notice to the parties and cause physical inspection of the alleged unauthorised/illegal construction and thereafter decide the representation submitted by the petitioner therein upon granting reasonable opportunity of hearing to the parties. Pursuant to the said order the matter was taken up by the concerned Panchayat and it was held that the land in question was classified as 'doba' and the construction was made without taking any permission from the Panchayat. The matter was referred to the Sub-Divisional Officer for taking necessary steps and by an order passed on 3rd October, 2024 the Sub-Divisional Officer allowed the 11th respondent to complete demolition work within 31st January, 2025 and held that otherwise the demolition would be effected by the Sub Divisional Officer imposing a fine as

specified by the State Government and recovering cost from the owner. The 11th respondent admitted before the Sub-Divisional Officer at the time of hearing, in writing, that no permission was taken from the Gram Panchayat for construction of the garage in the plot in question. He undertook to demolish such construction if some time was allowed. The order of the Sub-Divisional Officer was assailed before this Court by the 11th respondent in WPA 7829 of 2025. By an order passed on 19th February, 2026, this Court turned down the prayer of the 11th respondent with an observation that this respondent admitted the construction of the unauthorised garage and sought time for its demolition. The plea of the 11th respondent that the construction was not made by him but by his wife was not considered by the Court. In the present writ petition, the petitioner being the wife of the 11th respondent has challenged the order passed by the Sub-Divisional Officer solely on the ground that though she is the owner of the plot in question, she was not granted opportunity of hearing by the Sub Divisional Officer before the order impugned was passed.

Learned counsel for the 12th respondent has disputed the contention of the petitioner and submitted that the unauthorised construction was admittedly raised by the 11th respondent and it has nothing to do with the petitioner.

Learned counsel for the State produces the admission/undertaking given by the 11th respondent before the Sub-Divisional Officer on 21st February, 2024 wherein

the 11th respondent sought a month's time to demolish the construction at his own cost.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the title of the plot in question as claimed by the petitioner is neither in dispute, nor the subject matter of the writ petition or the issue taken up by the Sub-Divisional Officer. The only issue which was directed to be decided by the concerned authority was the unauthorised/illegal construction of a garage raised in the plot. The 11th respondent has admitted that the said construction has been raised without obtaining any sanctioned plan from the relevant Panchayat. He has also undertaken to demolish the same at his own cost within a stipulated time frame. However, he has failed to adhere to his undertaking and has come up before this Court challenging the said order. The writ petition filed by him was dismissed. The petitioner herein, being the wife of the 11th respondent who appeared before the Sub Divisional Officer, has never claimed that the construction was raised by her in the plot in question. She only claims to be the owner of the said plot which is not the subject matter of the writ petition. Since the construction has been admittedly raised by the 11th respondent who has also undertaken to demolish the same, the petitioner has no locus standi to challenge the order passed by the Sub-Divisional Officer at this belated stage and her stance is only a ploy to protract the demolition proceeding.

In view of the above, this Court is inclined to hold that the writ petition is devoid of any merit and is accordingly dismissed.

The order passed by the Sub-Divisional Officer on 3rd October, 2025 is affirmed. The Sub Divisional Officer is directed to take necessary steps in terms of the said order and cause demolition of the unauthorised construction within four weeks from the date of communication of this order.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)