

WPA 6014 of 2026

Sahabuddin Middya
Vs.
The State of W. B. & Ors.

Ms. Ambiya Khatun
Mr. Nahid Rahman
Ms. Sabnam Mostari
Ms. Huma Shakil ...for the petitioner.

Mr. Santanu Chatterjee
Mr. Varun Raj Tiwari ...for the State.

Mr. Sarbananda Sanyal ...for respondent no.8.

Affidavit of service filed by the petitioner is taken on record.

Service upon the private respondent has returned with an endorsement 'Refused' which amounts to good service. The private respondent is not represented.

The petitioner seeks implementation of the order passed by the Pradhan, Bargachia-II Gram Panchayat, being the 8th respondent herein, wherein the Pradhan has held that the construction raised by the private respondent is without any sanction/permission from the Panchayat. The prodhan has forwarded the order to the Sub-Divisional Officer, Howrah Sadar for taking necessary steps under Section 23(5) of the West Bengal Panchayat Act, 1973.

Learned counsel for the Panchayat submits, on instructions, that the said order has not been assailed before the appropriate forum.

It appears that by an order passed on 1st March, 2023 in WPA 2968 of 2023, a co-ordinate Bench of this Court directed the concerned authority to decide the allegation of unauthorized construction raised by the private respondent and take steps under the provisions of Section 23(5) of the Act of 1973.

Pursuant to the said order, the Pradhan has passed the order referred to by the petitioner.

In view of the above, this Court is inclined to hold that since the order has been sent to the Sub-Divisional Officer, Howrah Sadar, being the 5th respondent herein, for taking necessary steps under Section 23(5) of the Act of 1973, the 5th respondent is directed to take necessary steps in terms thereof within six weeks from the date of communication of this order, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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.)