

WPA 7167 of 2026

Basanti Manna
Vs.
The State of West Bengal & ors.

Adv. Nirmalendu Bera,
Adv. Gorachand Samanta,
Adv. Tanima Nandy,
...for the petitioner.
Adv. Shyama Prasad Purkait,
Adv. Pradip Kumar Neogi,
...for the respondent no.8.
Adv. M. Mondal,
...for the State.

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

None appears for the State and Panchayat despite service.

Learned counsel for the petitioner submits that by an order passed on December 20, 2024 in WPA 5558 of 2024, a coordinate Bench of this Court has held that the private respondent has illegally and unauthorisedly raised construction on the subject premises. The Sub Divisional Officer has been directed to take an informed decision in accordance with law within a stipulated time frame after granting opportunity of hearing to all the affected parties including the petitioner.

Pursuant to such order the Sub Divisional Officer has initiated proceeding but is yet to conclude the same and pass an order. The petitioner seeks a direction upon the Sub Divisional Officer to conclude the proceeding and pass a reasoned order in terms of the direction of this Court.

Learned counsel for the private respondent takes this Court to an earlier order passed by the Sub Divisional Officer, Alipur on 21st August, 2023 wherein the Sub Divisional Officer held that the private respondent had raised construction without taking any sanction from the Panchayat and exceeding the maximum building coverage of two-third of the total area of the plot. The private respondent was permitted to pray for legalisation of such construction.

This Court fails to understand under what provision of law such opportunity of legalisation of the unauthorised construction was granted by the Sub Divisional Officer to the private respondent. However, since this Court has held that the construction raised by the private respondent is illegal and unauthorised and has directed the Sub Divisional Officer to take an informed decision in accordance with law, the Sub Divisional Office, being the 4th respondent herein, is directed to conclude the proceeding pending before him and pass a reasoned order within four weeks from the date of communication of the order in terms of the order passed by this Court on December 20, 2024, upon granting reasonable opportunity of hearing to both the parties, in accordance with law. The parties shall be at liberty to produce relevant documents in support of their respective contention before the 4th respondent at the time of hearing.

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

The writ petition is accordingly disposed of.

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.)