

08.05.2026
rc/ct.no.15
Item No.49

WPA No. 7204 of 2026
Ashutosh Bera
Versus
The State of West Bengal & Ors.

Mr. Sudip Kumar Maiti ..for the petitioner

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

The State respondents are not represented despite service.

Alleging unauthorized construction raised by the private respondent, the petitioner submitted a representation before the concerned Panchayat on February 03, 2022 followed by a notice demanding justice through his learned advocate on June 09, 2022. The representation/notice was not considered by the concerned authority for which the petitioner approached this court in a writ petition being WPA No. 13338 of 2022. By an order passed on July 26, 2022, a coordinate Bench of this Court took note of the certificate issued by the Secretary, Birbanda Gram Panchayat on June 22, 2022 to the effect that no building plan was sanctioned in favour of the private respondent for the construction in question and directed the concerned authority to consider and dispose of the representation submitted by the petitioner

within a stipulated time frame. The petitioner filed a contempt application for non-compliance of the said order following which a resolution was taken by the Gram Panchayat that no sanction was granted by the Panchayat for the construction raised by the private respondent. By an order passed on December 11, 2024, the Sub-Divisional Officer, Contai directed the Pradhan, Birbanda Gram Panchayat under Khajuri-I Panchayat Samity being the 5th respondent herein, to demolish the unauthorised construction erected by the private respondent within one month from the date of receipt of the order realizing necessary cost for demolition from the said respondent. Pursuant to the said order, the Pradhan estimated the cost of demolition and sent the same to the private respondent by a letter issued on March 11, 2025. No further step for demolition has been taken since then.

Since the respondents are not represented, it cannot be ascertained whether such cost has been deposited by the private respondent before the Panchayat. However, in view of the earlier orders passed by this Court as well as the direction of the Sub-Divisional Officer, the 5th respondent is directed to demolish the unauthorized construction raised by the private respondent within four weeks from the date of communication of this order in terms of the order passed by the Sub-Divisional Officer, Contai and realise the cost of such demolition from the private respondent as a public demand recovery.

The writ petition is disposed of.

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)