

May 13, 2026
(31) ARDR

WPA 8565 of 2026

Sk. Sarajul
Vs.
The State of West Bengal & ors.

Adv. Purnasis Bhuiya,

...for the petitioner.

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

The respondents are not represented despite service.

By an order passed on 1st September, 2023, a coordinate Bench of this Court directed the Jenkapur 1 Gram Panchayat to consider and dispose of the representation submitted by the petitioner upon granting reasonable opportunity of hearing to all necessary parties including the petitioner within a stipulated time frame. In the representation, the petitioner alleged unauthorised construction raised by the private respondents. The Court also directed spot verification to ascertain the nature and extent of the unauthorised construction. Since the said order was not complied with, a contempt application was filed pursuant to which the issue was taken up for consideration by the Pradhan, Jenkapur 1 Gram Panchayat in presence of the parties and by a resolution taken on 12th March, 2025, the construction raised by the private respondents was held to be unauthorised/illegal without any permission from the Panchayat. The Pradhan, by a letter issued on 2nd April, 2025 to the Sub Divisional

Officer, Kharagpur, requested to take necessary steps in respect of the said unauthorised construction.

Learned counsel for the petitioner submits that no step has been taken by the authority till date. The petitioner submitted a further representation before the Sub Divisional Officer on 5th March, 2026 in this regard which has also not been considered.

Upon consideration of the submission made on behalf of the petitioner, this Court is of the view that since the resolution taken by the Panchayat does not appear to have been challenged by the private respondents before the appropriate forum, the Sub Divisional Officer ought to have taken appropriate steps for demolition of the unauthorised construction raised by them.

In view of the above, the Sub Divisional Office, Kharagpur, being the 7th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated 5th March, 2026 and take appropriate steps for demolition of the unauthorised construction raised by the private respondents within four weeks from the date of communication of this order, in accordance with law. The concerned authority is at liberty to seek police assistance for the purpose, if required.

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.)