

June 25, 2026  
(56) ARDR

**WPA 8665 of 2025**

Samir Kumar Das  
Vs.  
The State of West Bengal & ors.

Adv. Ashis Kumar Chowdhury,  
Adv. Babhru Bahan Bera,  
Adv. Sudip Jana,  
Adv. Rohan Pal,

...for the petitioner.

Adv. Kazi Sajjad Alam,  
Adv. Afsana Khatun,  
Adv. Mainul Thander,

...for the respondent nos. 5 & 6.

Adv. Madhu Jana,  
Adv. Puja Sonkar,

...for the State.

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

The Panchayat is not represented despite service.

The petitioner alleges that the pond which belongs to the private respondents and is adjacent to the plot of the petitioner is not being properly maintained for which several plots of land adjoining the pond is merging with the water. The petitioner submitted a representation in this regard before the concerned authority which not being considered, he approached this Court in a writ petition being WPA 24765 of 2024. A coordinate Bench of this Court directed the concerned authority to dispose of the representation upon granting reasonable opportunity of hearing to the parties and taking into consideration the applicability of Section 26 of the West Bengal Panchayat Act, 1973. Pursuant to the said order, the District Panchayat and Rural Development Officer, Purba Burdwan

took up the issue for consideration by an order passed on 8<sup>th</sup> January, 2025 directed as follows.

“the B.L. & L.R.O. Raina II is directed to make measurement of the pond area and the area of encroachment if any as well as the actual area of land of the petitioner adjacent to the water body with a prior notice to the petitioner and the private respondent. The entire procedure of measurement should be completed within 30 days including notice period from the date of receiving of this order.

Painta II Gram Panchayat is directed to intervene the matter for restoring and maintaining the water body based on the B.L & L.R.O's measurement by following the provision of Section 26 of the Panchayat Act, 1971. The entire process should be completed within 15 days from the date of receiving the measurement report from the B.L & L.R.O, Raina-II.

Painta-II Gram Panchayat is also directed to submit the compliance report to the undersigned within eight weeks from the date of receiving of this order.”

Learned counsel for the petitioner submits that the said order has not been complied with as yet.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the order dated 8<sup>th</sup> January, 2025 has been passed by the concerned authority in compliance with an order passed by this Court, the Pradhan, Painta-II Gram Panchayat, being the 4<sup>th</sup> respondent herein, is directed to

comply with the said order within six weeks from the date of communication of this order.

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.)**