ML. 85
13.11.2026
Court. No. 12
GB

FMA 697 of 2026
With
CAN 1 of 2026

Baby Ruksa Begam
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das,
Ms. Aparajita Mondal
... for the Appellant.

Mr. G.F. Hossain,
Ms. Varsha Roy
... for the Private Respondents.

1. This is an appeal arising out of an order dated April 20, 2026, passed in WPA 5659 of 2026. By the said order dated April 20, 2026, the learned Single Judge dismissed the writ petition filed by the appellant.
2. The respondent no.12 filed a writ petition before this Court, challenging the unauthorized construction set up by the respondent no.11, who is the husband of the appellant. The said writ petition being WPA 11351 of 2024 was taken up for consideration on July 8, 2024 and a coordinate Bench of this Court directed the concerned Sub-Divisional Officer to decide the issue after affording an opportunity of hearing to all the interested parties and to pass a reasoned order, in accordance with law.
3. The Sub-Divisional Officer, Sadar Hooghly by an order dated October 3, 2024 after having recorded the submissions of the husband of the appellant/respondent No. 11 that he had not taken any permission from Samaspur-I Gram Panchayat for construction of the garage in question, passed an

order of demolition. It appears that the respondent no.11 sought time to demolish the said unauthorized construction.

4. Subsequently, the respondent no.11 bychallenging the order dated October 3, 2024 passed by the Sub-Divisional Officer moved a writ petition being WPA 7629 of 2025 and by an order dated February 19, 2026, a learned Single Bench of this Court dismissed the said writ petition with an observation that the petitioner was precluded from challenging the order of the Sub-Divisional Officer, in view of his own admission.
5. The appellant who is the wife of the respondent no.11, had again challenged the order dated October 3, 2024 passed by the Sub-Divisional Officer, Sadar Hooghly by filing the writ petition.
6. It was the contention of the appellant that she was the owner of the said plot of land, but she was not given an opportunity of hearing by the Sub-Divisional Officer. The construction was set up by the respondent no.11, that is, her husband.
7. In any event, it appears that both the husband and the wife abused the process of law. None of their legal right had been violated by the action of the authority. It had been admitted by the respondent No. 11/husband of the appellant before the Sub-Divisional Officer that he had set up the unauthorized garage without permission and he sought time to demolish the same. However, in spite of such undertaking, the same was not complied with.

8. In view of the above, it appears that the learned Single Judge rightly dismissed the writ petition, inter alia, holding that the issue of ownership of the plot in question did not bear any relevance to the direction of the Sub-Divisional Officer for demolition of the structure. An admitted unauthorized construction cannot be permitted to remain.
9. We do not find any infirmity in the order passed by the learned Single Judge.
10. Accordingly, the appeal and the connected application are dismissed.
11. However, there shall be no order as to costs.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)