M/L 6-7
05.10.2026
sb
Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14130 of 2026
Sk. Maidul
Versus
The State of West Bengal & Ors.
With
WPA 13332 of 2026

Mr. Prasayan Mukherjee
Mr. Ramsha Shamim
... For the petitioner.

Mr. Gobinda Chandra Bandopadhyay
Mr. Sourav Goswami
.... For the municipality.

Ms. Jayita Dhar Chakraborty
Mr. Joy Ranjan Dhar
.... For the State.

1. On 16th September, 2026, this Court was pleased to pass the following order:-

"1. Although, on this occasion after being afforded with the repeated opportunity, the Sub-Divisional Officer (SDO) has filed a report along with explanation for the delay in compliance with the order dated 3rd August, 2026. The explanation filed, which is in the form of affidavit, does not contain the facts and figures which ought to have been disclosed, instead, the same records as follows:

"Insert here the actual steps taken, with dates, if the enquiry has already been initiated/completed".

2. It would appear from the above that the above explanation has been prepared in the most lackadaisical manner. This apart, although a report

has been disclosed and from the enquiry report it would appear that the construction carried out by the respondent no.6 in WPA 14130 of 2026 is without any authorization and encroaches upon the land classified "Rasta". While responding to a query from the Court as to whether any steps have been taken to deal with the unauthorized construction, the learned advocate for the State would submit now the SDO has been appointed as Administrator for the municipality to deal with the unauthorized construction at the locale.

3. Prima facie, therefor, this Court finds the SDO to have acted in breach of the directions passed by the Court. No steps have been taken to deal with the illegal construction till date.

4. However, at this stage, since the learned advocate for the State prays for an extension for ensuring compliance of the direction passed by this Court by the concerned SDO/Administrator and to deal with the illegal construction, let this matter *stand over and appear in the Combined Monthly List of October, 2026, when the concerned Administrator shall file a report in the matter.*

5. Needless to note that the Administrator shall take steps in accordance with law.

6. Let a copy of the enquiry report as placed before this Court be circulated to the parties."

2. Pursuant to the order dated 16th September, 2026, although a report has been filed, from the aforesaid

report it only transpires that a notice has been issued by the Executive Officer, Uluberia Municipality on 28th September, 2026 in furtherance to the communication issued by the Sub-Divisional Officer (SDO) on 21st September, 2026.

3. The learned advocate for the petitioner would submit that the aforesaid notice is yet to be implemented by the private respondents.

4. Having heard the learned advocates appearing for the respective parties and noting that steps have been taken, I am of the view that no useful purpose will be served in retaining the matter in the file. Accordingly, the writ petition, being WPA 14130 of 2026 is disposed of by directing the SDO to ensure compliance of the notice dated 28th September, 2026 in accordance with law.

5. Insofar as WPA 13332 of 2026 is concerned, the report filed by the municipality dated 27th July, 2026 would demonstrate that the construction by Ranu Adhikari, i.e. the respondent no.6 in the writ petition has the approval of the municipality in the form of sanctioned building plan dated 5th January, 1998, I am of the view that nothing survives in the writ petition and the same is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)