14.10.2026
rc/ct.no.15
Item No.35

WPA No. 17472 of 2026
Iva Naskar @ Mukherjee
Versus
The State of West Bengal & Ors.

Adv. Mrinal Kanti Ghosh
Adv. Chandra Nath Sarkar
Adv Bipasha Bhattacharjya ...for the petitioner

Adv. Badal Singh
Adv. Paramita Mondal ...for the State

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

The petitioner seeks implementation of the order passed by the Sub-Divisional Officer, Canning, South 24 Parganas on February 10, 2026 directing demolition of the unauthorized structure raised by the private respondents in the plot in question.

The petitioner and the private respondents are siblings and the land on which the construction has been raised by the private respondents in terms of a sanctioned building plan issued by the Pradhan of the concerned Panchayat was a vested land under the Government of West Bengal. Patta was issued in respect of the said land in favour of the grandmother of the parties. The patta was not legally transferred in favour of the private respondents. The sanctioned plan granted by the Panchayat was assailed by the petitioner in a writ petition being WPA No. 9206 of 2022 on such ground pursuant to which the

Pradhan cancelled the sanctioned building plan granted in favour of the private respondents. Such cancellation was challenged before this Court on the ground that the Pradhan did not have the authority to cancel the sanctioned plan and it was only the Sub-Divisional Officer who could cancel the plan issued by the Pradhan. The second writ petition filed by the private respondents in this regard was dismissed by this Court. The said order was carried in appeal before an Hon'ble Division Bench. The appeal was also dismissed. The issue was taken up for consideration by the Sub-Divisional Officer who by an order passed on February 10, 2026 directed demolition of the unauthorized construction in the plot in question.

This Court is informed that the said order is not under challenge before the competent forum.

In view of the above, the Sub-Divisional Officer, Canning, being the 3rd respondent herein, is directed to implement the order dated February 10, 2026 in its true letter and spirit within three weeks from date.

The Officer in Charge, Canning police station, being the 6th respondent herein, shall render necessary assistance to the Sub-Divisional Officer in this regard so that there is no breach of law and order.

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)