

WPA 16808 of 2025

Dr. Ajoy Kumar Biswas
Vs.
The State of W. B. & Ors.

Mr. Milan Bhattacharjee
Ms. Sulagna Bhattacharya ...for the petitioner.

Mr. Kishore Dutta
Mr. Biswajit De
Mr. Arindam Mitra ...for the State.

Mr. Gautam Lahiri ...for respondent no.4.

Mr. Bharat Ch. Simai
Mr. Somesh Panja ...for respondent nos. 5 & 6.

Heard learned counsels for the parties.

Alleging unauthorized construction raised in his land by filling up water body, the petitioner approached this Court in a writ application being WPA 1816 of 2025. By an order passed on 6th March, 2025 a co-ordinate Bench of this Court directed the Pradhan, Begri Gram Panchayat to consider and dispose of the representation submitted by the petitioner on 24th December, 2024 within a stipulated time frame upon causing an inspection of the property in question in presence of the parties. Pursuant to such order, the Pradhan took up the issue for consideration upon holding a field inspection. By an order passed on 14th May, 2025 the Pradhan observed that the construction raised in the plot in question was unauthorized/illegal and required demolition. Since the Panchayat had no suitable

infrastructure to demolish the construction, the matter was referred to the Sub-Divisional Officer, Howrah for taking necessary action for demolition. The order also records that the illegal construction has not been raised by the petitioner who is the owner of the land.

The private respondents have denied raising such construction.

The matter has been dealt with by the Sub-Divisional Officer, Howrah and by an order passed on 5th June, 2025 it has been held that it being an established fact that illegal construction has been made in the plot in question, the Pradhan, Begri Gram Panchayat shall direct the recorded owners to effect self demolition of the said illegal construction within 20 days from receipt of the order failing which cost of demolition will be recovered from the recorded owners as a public demand.

Learned counsel for the petitioner submits that the petitioner has no infrastructure to demolish the illegal construction and is ready to bear the cost of demolition if done by the State authority.

Learned counsel for the private respondents submits that the private respondents have not raised the illegal construction and have no nexus with the same.

Learned counsel for the State submits that the Sub-Divisional Officer, Howrah may be directed to take necessary steps in accordance with law.

Learned counsel for the Panchayat reiterates the contention of the State and submits that the Panchayat has no infrastructure to cause such demolition.

In view of the above, this Court is inclined to hold that since it is decided by the Panchayat as well as the Sub-Divisional Officer, Howrah that the construction raised in the plot in question is illegal/unauthorized, the Sub-Divisional Officer, Howrah, being the 7th respondent herein, is directed to take necessary steps for demolition of the said structure within six weeks from the date of communication of this order. Expenses for the demolition shall be borne by the petitioner as agreed by him.

The 7th respondent shall intimate the petitioner about the cost to be incurred for the said demolition within 7 days from date. Such cost shall be deposited by the petitioner within 7 days therefrom. The entire exercise shall be completed within the time frame stated above.

The writ petition is disposed of accordingly.

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.)