

14
06.01.2026
Court. No. 25
D.Hira

WPA 18469 of 2025

Uttam Kumar Biswas & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Banerjee,
Ms. Ria Kundu.

...for the Petitioners.

Mr. Partha Sarathi Mondal.

... for the private
respondent nos. 8 & 9

1. The petitioners have filed the present writ application praying for setting aside the memo issued by the O.S.D. & Dy. Director of Health Services (Admin.), West Bengal dated 5th June, 2025.
2. This Court finds that prior to filing of this writ application, the petitioners have filed earlier writ application being WPA No. 322 of 2024 (Uttam Kumar Biswas & Anr. vs. State of West Bengal & Ors.) and the said writ petition was disposed of by this Court by an order dated 28th October, 2025 by passing the following order:-

10. Accordingly, this Court is of the view that the matter be referred to the higher authority viz. the Sub-Divisional Officer, Diamond Harbour, South 24 Parganas, added respondent no. 9 who shall consider the issue of unauthorized construction by respondents by adopting the following procedure:-

(i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondents. A report of such inspection along with

sketch map be prepared, which shall be handed over to the parties.

(ii) Thereafter the parties shall be heard upon notice and a reasoned order be passed which shall be communicated to the parties within a week of passing of such orders. Parties are granted liberty to produce all relevant records and documents before the Sub-Divisional Officer at the time of hearing.

(iii) On the basis of materials transpiring during inspection and hearing, the proceedings shall be taken to its logical conclusion in terms of provisions of Section 23 of West Bengal Panchayat Act.

(iv) The entire exercise shall be completed within a period of three months from date of communication of this order.

11. It is left open to the petitioners to raise the issue of legality of the plan sanctioned in favour of respondent nos. 7 and 8 before the concerned Sub-Divisional Officer.

3. The petitioners have challenged the order passed by the O.S.D. & Dy. Director of Health Services (Admin.), West Bengal dated 5th June, 2025. This Court finds that when this Court is in seisin for hearing of the writ petition being WPA No. 322 of 2024, the impugned order was with the petitioners but the petitioners have suppressed the said order and not brought the notice before this Court and this Court has disposed of the writ petition being WPA No. 322 of 2024 on 28.10.2025.
4. This Court finds that in the impugned order the respondent no. 3 has informed the petitioners which reads as follows:-

- 1. The document for conversion of character of land from Shali to Bastu which has been duly issued by BL&LRO, Mathurapur-II Block, South 24 Parganas dated on 10.03.2022, has been provided**

by the Nursing Home Administration representatives to the enquiry committee members.

2. The setback distances for the nursing home structure has been shown in the site plan which is prepared by the surveyor appointed by Raidighi Gram Panchayat dated on 08.12.2023, submitted by Nursing Home Administration representatives during the visit.

3. During the enquiry, the Nursing Home Administration representatives have submitted the following licenses for functioning of the Nursing Home-

a. Fire Safety Certificate (license) issued by Divisional Fire Officer, South 24 Pgs dated on 08.11.2023 which is valid up to 3 years from the date of issuance of the license.

b. Biomedical Waste Management license issued by West Bengal Pollution Control Board dated on 11.03.2025 which is valid up to 31.03.2030.

c. Trade license issued by Raidighi Gram Panchayat dated on 14.03.2023 which is valid up to Dec, 2025.

4. Collection of Biomedical waste is under maintenance of third party agency named Greentech Environ Management Pvt. Ltd."

5. If the order dated 05.06.2025 which is impugned in the present writ application would have brought before this Court when the W.P.A. No. 322 of 2024 was disposed of on 28.10.,2025, this Court ought not to have been passed the said order.

6. Accordingly, WPA No. 18469 of 2025 is dismissed.

(Krishna Rao, J.)