

WPA 21471 of 2025

Prasanta Kumar Das & Anr.
Vs.
The State of W.B. & Ors.

Ms. Aparajita Mondal
Mr. Biplab Adak ...for the petitioners.

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

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

The Panchayat and the private respondent are not represented despite service.

The petitioners allege unauthorized construction raised by the private respondent. The petitioners submitted a representation before the concerned authority which not being considered, they approached this court in a writ petition being WPA 528 of 2024. By an order passed on 16th April, 2024 a co-ordinate Bench of this Court directed the Parambua Sahabazar Gram Panchayat to consider and dispose of the representation submitted by the petitioners after granting an opportunity of hearing to all the necessary parties including the petitioners within a stipulated time frame. In compliance with the said order, the Pradhan took up the issue for consideration and by an order passed on 18th July, 2025 held that the construction raised by the private respondent was unauthorized.

However, the Pradhan also held that the Panchayat authority or the Pradhan was not responsible for the said construction and would abide by the direction of this Court. The order was not forwarded by the Pradhan to the Sub-Divisional Officer, Hooghly for taking necessary steps under Section 23(5) of the West Bengal Panchayat Act, 1973.

Pursuant to the said order, the petitioners submitted a representation before the Sub-Divisional Officer on 30th July, 2025 seeking necessary steps in terms of the Act.

Upon consideration of the submission made on behalf of the petitioners and the State, this Court is inclined to hold that since the Pradhan has held that the construction raised by the private respondent is unauthorized and the issue is pending before the Sub-Divisional Officer for necessary steps, the Sub-Divisional Officer, Hooghly being the 5th respondent herein, is directed to take necessary steps in terms of Section 23(5) of the Act of 1973 and conclude the proceeding within six weeks from the date of communication of this order.

The decision taken by the authority shall be communicated to the parties within a week thereof.

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.)