

8.4.2026
Ct. 652, Sl.8

sk

WPA 21966 of 2023
Satanu Halder Vs. State of West Bengal & Ors.

Mr. Mit Guha Roy
Ms. Sneha Saha Roy
....for the petitioner.

Ms. Mitali Mukherjee
Mr. Subrata Bhattacharyya
.....for the State.

Mr. Tapas Kr. Mondal
Mr. Partha Sarathi Basu
...for the Zilla Porishad

1. The petitioner has alleged in the instant writ petition about an illegal construction being made on a piece of government land situated in Dag No. 720 & 721 under Mouza-Chak Raju Molla, J.L.No. 18, Khatian No. 1013 under District-South 24-Parganas, P.S. Bishnupur.
2. During the proceeding, reports have been submitted by the police authority (dated September 22, 2023) by the Block Development Officer (dated November 1, 2023) and the District Engineer, South 24-Parganas, Jilla Parishad (dated April 2, 2026).
3. On due consideration of all the three reports as above certain facts have emerged. Firstly, that on the piece of land as mentioned above, there reports is a construction developed without any sanctioned plan either from the Jilla Parishad or the State Authority. Also that, none of the

authorities have ever sanctioned any plan for construction of building over the said piece of land.

4. Hence, the construction which stands as on date, on the said piece of land, is evidently an unauthorized and illegal construction, liable to be demolished immediately.

5. The parties are represented today, excepting the private respondent.

6. Mr. Tapas Kumar Mondal, learned advocate for the Jilla Parishad submits on the basis of the report as above, that the Jilla Parishad is not the owner of the piece of land and has never sanctioned any building plan over there.

7. Similarly, Ms. Mukherjee, learned advocate for the State submits about not owning the piece of land as above. Therefore, no question arises for the State authority to have sanctioned any building plan over the said piece of land.

8. Both the learned advocates as named above, have made their best efforts to help this Court to understand, that the instant case is civil in nature and may not be maintainable under the writ jurisdiction of the Court.

9. Submissions made in this regard do not however, inspire confidence in the mind on the Court in so far as pursuant to any gross illegality

having emerged, the writ Court has ample jurisdiction to intervene to remedy the illegality.

10. In spite of service of notice on repeated occasion, the private respondent did not care to appear in Court.

11. There are no materials before this Court as on date regarding any valid sanctioned plan to be in existence, of the building which stands on the said piece of land, on date. Whereas there are sufficient materials available from the reports of the respective respondents, that the land on which building now stands belongs to the State largess.

12. In consideration of the facts and circumstances of the case as above, the Superintendent of Police, Diamond Harbour, Police District is directed to take up the matter in collaboration with the District Magistrate, South 24 Parganas for taking immediate necessary steps, for demolition of the illegal building as stands on the said piece of land.

13. The said authorities i.e. Superintendent of Police, Diamond Harbour as well as the District Magistrate, South 24-Parganas, shall also inform about this order to the Secretary of the concerned department in the Government and equivalent Officer in Police department, before

taking up steps for demolition of the said building in terms of the order, as above.

14. The entire exercise of demolition of the unauthorized and illegal building on the land described above shall be concluded within a period of two (02) weeks from the date of communication of copy of this order to the office of the Superintendent of Police, Diamond Harbour, Police District and the District Magistrate, South 24 Paraganas.

15. With the direction as above, this writ petition is disposed of.

(Rai Chattopadhyay, J.)