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jdt. 23.06.2026
jb.

WPA 22409 of 2025
(Sk. Firoz Mondal & Ors. vs. State of West Bengal & Ors.)

Sani Hossain
Salma Sultana Shah
Miraj Hossain

.... For the Petitioners

Nadeem Sulajman
Saidul Islam Sk

.... For the Board of Wakf

Gazi Faruque Hossain
Rakib Hossain Khan

.... For the Private Respondent

Mr. Madhu Jana
Ms. Puja Sonkar

.... For the State

The petitioners have assailed the order passed by the Sub-Divisional Officer (Sadar), Hooghly on 18th June, 2025 directing self demolition of the unauthorised construction raised in L. R. Dag no. 1012/1348 in Mouza Hazipur by the petitioners under Section 23(5) of the West Bengal Panchayat Act, 1973. In default, such demolition was directed to be carried out by the Sub-Divisional Officer imposing fine upon the petitioners as specified by the State Government and recovering the cost of demolition from them.

Learned counsel for the petitioners submits that the petitioners submitted an application for sanction of building plan alongwith the building plan before the Panchayat accompanied by fees of Rs.2000/- which was received by the latter under Form 5. Since no response was received by the petitioners from the Panchayat

within the stipulated time frame, the sanction was presumed to have been granted by the Panchayat in terms of Rule 30 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. The construction has been raised in terms of the building plan prepared by the petitioners. Learned counsel takes this Court to a report submitted by the Revenue Inspector, Dhaniakhali on 17th December, 2024 which demonstrates that no construction was raised on the water body (pukur) comprising 2.53 acres in dag no. 1055. However, L. R. dag no. 1012/1348 has been recorded as path in the record of rights. The Sub-Divisional Officer has not dealt with the report in arriving at a decision against the petitioners. The representation submitted by the petitioners on 2nd September, 2025 before the Sub-Divisional Officer has also not been considered.

Learned counsel for the private respondents submits that R.S. Dag no. 1055 was subsequently split into three dags in the L. R. records out of which the Dag no. 1012/1348 is recorded as path in the L. R. record of rights.

I have considered the rival contention of the parties and material on record.

Plot no. 1012/1348 appears to be recorded as path in L.R. record of rights. The receipt at annexure P/2 of the writ petition indicates that Rs.2,000/- was

received by the Panchayat for the purpose of donation for development work under the collection head (own fund). Though the said amount was received in Form 5, the amount does not appear to have been received for the purpose of sanction of building plan or permission for construction.

In the order impugned, it is recorded that a joint inspection was held and the unauthorised construction on the bank of the pond detected. Opportunity of hearing was granted to both the parties and the petitioners were unable to produce any sanctioned plan for the alleged construction.

Upon consideration of the submission made on behalf of the parties as well as the material placed before him, the Sub-Divisional Officer, (Sadar), Hooghly passed a reasoned order observing that the petitioners raised construction without obtaining any sanction from the relevant Gram Panchayat and have thereby contravened Section 23(1) of the West Bengal Panchayat Act, 1973.

This Court does not find any illegality or irregularity in the said order which is a reasoned order passed upon hearing both the parties.

In view of the above, this Court is inclined to hold that the writ petition is devoid of any merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed.

There shall however, be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)