

WPA 25243 of 2025

Jasim Uddin Mir
Vs.
The State of W. B. & Ors.

Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee
Mr. Biswarup Chatterjee ...for the petitioner.

Mr. Ashis Kumar Paul ...for the State.

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

None appears for the Panchayat and the private respondents despite service.

The petitioner seeks implementation of the order passed by a co-ordinate Bench of this Court on 1st April, 2024 in WPA 22064 of 2023 with WPA 23057 of 2023.

The petitioner alleged unauthorized construction being raised by the private respondents. According to the petitioner, the construction of the entire first floor was illegal and was made long after the sanctioned plan lapsed. An order of demolition was passed by the Sub-Divisional Officer, Sadar on 18th August, 2023 directing the 9th respondent to demolish the unsanctioned portion of the building, that is, the staircase and cantilever veranda comprising 77.98 sq. ft. The said respondent submitted that the construction in question was made within the validity period of the sanctioned plan.

In view of the rival contention of the parties, the coordinate Bench directed the Sub-Divisional Officer to ascertain whether the construction in question was made during the validity period of the sanctioned plan. The Court further directed that if it was found that the construction in question was made after lapse of the sanctioned plan, the construction would be treated as an unauthorized one and necessary steps would be taken to deal with the same in accordance with law within four months from the date of communication of that order.

This Court is informed that the order has not been complied with as yet.

In view of the above, the Sub-Divisional Officer, being the 4th respondent herein, be directed to comply with the said order dated 1st April, 2024 passed in WPA 22064 of 2023 with WPA 23057 of 2023 within six weeks from the date of communication of this order in the light of the observation made in the order dated 1st April, 2024.

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.)