

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
THE HON'BLE JUSTICE JAY SENGUPTA

WPA 25259 of 2023

Sanjoy Maity
Vs.
The State of West Bengal & Ors.

For the Petitioner	:	Mr. Salil Kumar Maiti
For the State	:	Mr. Pinaki Bhattacharyya, Mr. Debansu Nandi.
For the Respondent no.10	:	Mr. Goutam Das.
Heard on	:	20.02.2026
Judgment on	:	20.02.2026

JAY SENGUPTA, J:

1. This is an application praying for a direction upon the respondent authorities to dispose of the petitioner's representation dated 29.07.2023, thereby referring the matter before the Sub-Divisional Officer, Haldia, the respondent no.7 herein and for directing the said authority to take a decision strictly as per the provisions of Section 23 of the West Bengal Panchayat Act, 1973 after giving an opportunity of hearing to all the interested parties, to remove and/or demolish the entire illegal and unauthorised construction so erected on the waterbody and to restore the land to its original nature.

2. Learned counsel appearing on behalf of the petitioner submits that there was an illegal construction made on the waterbody. The petitioner had made complaints before the appropriate authorities. But, no action was taken.
3. Learned counsel appearing on behalf of the State submits that since a representation is pending consideration, the same would be considered in accordance with law.
4. Learned counsel for the respondent no.10 submits that the dispute, at best, is civil in nature.
5. It appears that the representation of the petitioner dated 29.07.2023 is pending consideration.
6. In view of the above and in the interest of justice, let the respondent no.5 consider the said representation in accordance with law and after hearing the interested parties including the petitioner and the private respondents and decide the same as expeditiously as possible preferably, within a period of eight weeks from the date of communication of this order.
7. Within a week from passing the order, the same shall be communicated to the present petitioner.
8. With the above observations and directions, the writ petition is disposed of.
9. However, the merits of the case have not been gone into.
10. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)