

19.01.2026
Sl No.16
Ct. No.15
S.A.

WPA 26824 of 2025

Mizanur Rahaman Gazi & Ors.
-vs-
State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Iqra Rahaman

...for the petitioners

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

...for the State

Mr. Ziaul Haque
Mr. H. K. Mahata

...for respondent nos.6 to 8 & 10

On an earlier occasion, the writ petitioners had filed WPA 21014 of 2023 alleging unauthorised construction at the behest of respondent nos. 6 to 10. A Co-ordinate Bench of this Court, by an order dated December 5, 2023, disposed of the said writ petition, inter alia, directing the concerned Panchayat Pradhan to consider the grievances of the petitioners.

Pursuant thereto, the Pradhan, Murarishah Gram Panchayat, by a letter dated May 21, 2025, communicated to the petitioners that no permission had been obtained from the Panchayat for the construction in question. A copy of the said communication was also forwarded to the Sub-Divisional Officer, Basirhat Sub-Division.

Learned counsel appearing for the petitioners submits that the Sub-Divisional Officer, Basirhat Sub-Division, ought to have treated the letter dated May 21, 2025 as a reference under Section 23(5) of

the West Bengal Panchayat Act, 1973, and ought to have passed a consequential demolition order.

Learned counsel appearing for the State, on the other hand, has produced a copy of a writing issued by the Sub-Divisional Officer, Basirhat Sub-Division, North 24 Parganas in connection with this writ petition. It appears from the said writing that the Sub-Divisional Officer declined to pass any consequential demolition order in view of a pending civil suit between the parties.

Let the written communication of the Sub-Divisional Officer, Basirhat Sub-Division, be kept on record.

However, I am of the view that the Sub-Divisional Officer, Basirhat Sub-Division, should afford an opportunity of hearing to the owner of the building and pass a reasoned and formal order communicating his views to all concerned parties.

Let the aforesaid exercise be completed within a period of one month from the date of communication of this order.

Accordingly, **WPA 26824 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)