

42 20-01-2026
AKG
Ct. 15

WPA 27950 of 2025
Shaharukh Khan & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti,
Ms. Dolan Samanta

...for the Petitioners

Mr. Raj Kr. Sain

...for the Respondent No. 6

The conduct of the Pradhan, Kukrahati Gram Panchayat, cannot be approved by this Court.

It appears that respondent no. 6 had earlier filed a writ petition being WPA 13543 of 2023, alleging unauthorised construction at the instance of the petitioner herein. The said writ petition was disposed of by a Coordinate Bench of this Court by an order dated June 12, 2024, directing the Pradhan, Kukrahati Gram Panchayat, to refer the matter to the Sub-Divisional Officer, Haldia, in the event any unauthorised construction was detected. The Sub-Divisional Officer, Haldia (respondent no. 4), was further directed to take consequential steps in accordance with law.

It appears that, in purported compliance with the said order dated June 12, 2024, the Pradhan, Kukrahati Gram Panchayat, referred the matter to the Sub-Divisional Officer, Haldia. Pursuant thereto, the Sub-Divisional Officer, by an order dated July 24, 2025, directed

demolition of the structure on the ground that the petitioner had raised the construction without obtaining permission from the Panchayat Authority and without conversion of the classification of the land.

Quite intriguingly, immediately thereafter, the Kukrahati Gram Panchayat, by a letter dated August 12, 2025, granted a sanctioned plan in favour of the petitioner on the basis of an application made on the very same date.

In my view, the aforesaid action of the Kukrahati Gram Panchayat is wholly unsustainable in the eye of law.

Learned counsel appearing for respondent no. 6 has rightly contended that under the provisions of the West Bengal Panchayat Act, 1973, no post facto permission can be granted in respect of unauthorised construction. The order passed by the Panchayat granting such post facto approval is wholly without jurisdiction, illegal, and has, in effect, nullified the demolition order passed by the Sub-Divisional Officer, Haldia.

Learned counsel appearing for the petitioner, however, submits that the construction in question was completed in the year 2023. This submission does not advance the petitioner's case, particularly when the construction has been directed to be demolished by the competent authority.

In my considered view, the Sub-Divisional Officer, Haldia, was justified in directing demolition of the unauthorised construction in the facts of the case.

Accordingly, **WPA 27950 of 2025** stands dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)