FORM NO. J (2)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:
THE HON'BLE JUSTICE RISHAD MEDORA

WPA/31374/2026

DULAL CHANDRA SANFUI
Vs.
THE STATE OF WEST BENGAL & ORS.

For the Petitioner	:	**Mr. Sabyasachi Chatterjee, Advocate** **Mr. Rishabh Ahmad Khan, Advocate** **Mr. Badrul Karim, Advocate** **Mr. Jamiruddin Sk., Advocate**
For the Respondent (9)	:	**Mr. Mahim Sasmal, Advocate** **Mr. Nilavo Bera, Advocate**
For the State	:	**Mr. Ajit Kumar Mishra, Ld. AGP** **Ms. Ranjana Chatterjee, Advocate** **Mr. Krishnasan Ghosh, Advocate**
Heard on	:	November 9, 2026.
Judgment On	:	November 9. 2026.

The Court:

1. The petitioner has filed the present writ petition praying for, inter alia, an order quashing or setting aside an order dated October 13, 2026 passed by the Sub-Divisional Officer,

Baruipur whereby he was pleased to direct the petitioner to demolish his house by October 28, 2026.

2. There is a significant amount of history in this matter in terms of diverse proceedings concerning the subject matter of the present writ petition.

3. It appears from the records of the case that the private respondent no. 9 had initially filed WPA/21862/2018 before this Court praying for, inter alia, a writ of mandamus directing the concerned respondents therein to demolish a building constructed by the petitioner on the ground that the same was illegal.

4. By an order dated April 16, 2025, a Coordinate Bench of this Court was pleased to dispose of the aforesaid writ petition without passing any order for demolishing the said building.

5. The private respondent no. 9 preferred an appeal, being FMA/898/2025, before this Court against the aforesaid order dated April 16, 2025.

6. By an order dated August 25, 2025, a Division Bench of this Court was pleased to dispose of the aforesaid appeal by directing, inter alia, the Sub-Divisional Officer, Baruipur to call for the records of the construction of the aforesaid building from the concerned Gram Panchayat, conduct a personal hearing of the petitioner and the private respondent no. 9 and take immediate steps in accordance with law.

7. It is also recorded in the aforesaid order dated August 25, 2025 that this Court was of the clear and unequivocal view that the construction made by the petitioner herein is *ex facie* illegal,

contrary to the provisions of both the West Bengal Panchayat Act, 1973 and the West Bengal Land Reforms Act, 1955 in general. It was further recorded that there are no provisions for regularization of an illegal construction under the provisions of the West Bengal Panchayat Act, 1973.

8. In terms of the aforesaid order dated August 25, 2025, the learned Sub-Divisional Officer was pleased to pass an order dated November 11, 2025 holding that the construction of the said building by the petitioner was legal and authorized.

9. This order was assailed by the private respondent no. 9 by filing WPA/7518/2026 before this Court. By an order dated September 23, 2026 in the aforesaid writ petition, the aforesaid order dated September 25, 2025 passed by the Sub-Divisional Officer, Baruipur was quashed by a Co-ordinate Bench of this Court and it was held that the construction raised by the petitioner herein is illegal/unauthorized. The Sub-Divisional Officer, Baruipur was directed to take necessary steps for demolition of the said construction in accordance with law within 10 days from the date of communication of the said order.

10. The petitioner herein assailed the aforesaid order dated September 23, 2026 by filing MAT/1714/2026 before this Court. When the aforesaid appeal was taken up for hearing on October 5, 2026 before a Division Bench of this Court, the petitioner prayed for an adjournment and accordingly, the matter was directed to appear in the list after the Puja Vacation.

11. In the meanwhile, the Sub-Divisional Officer, Baruipur issued a notice dated October 8, 2026 and requested the petitioner as well as the private respondent no. 9 to attend a hearing before him on October 13, 2026 in connection with the aforesaid order dated September 23, 2026 passed in WPA/7518/2026.
12. Thereafter, by an order dated October 13, 2026, the learned Sub-Divisional Officer, Baruipur directed the petitioner to demolish his illegal construction by October 28, 2026 after taking note of the fact that no stay order had been passed in respect of the aforesaid order dated September 23, 2026 passed by a Coordinate Bench of this Court in WPA/7518/2026.
13. Being aggrieved by the aforesaid order dated October 13, 2026, the petitioner has filed the present writ petition assailing the same.
14. Learned Advocate representing the petitioner submits that passing of the aforesaid order dated October 13, 2026 has given rise to a fresh cause of action to the petitioner. He submits that the petitioner's appeal against the aforesaid order dated September 23, 2026 is still pending adjudication before this Court. He submits that in view of the pendency of the aforesaid appeal, the Sub-Divisional Officer, Baruipur ought not to have directed the petitioner to demolish his building by October 28, 2026. He also submits that the Sub-Divisional Officer, Baruipur has misinterpreted and/or misunderstood the aforesaid order dated September 23, 2026. Learned Advocate representing the petitioner concludes his submissions by submitting that the petitioner should be given some limited

protection by this Court in the present writ petition until his appeal is heard.

15. Learned Advocates representing the respondents strongly oppose the submissions and prayers of the petitioner, and submit that the order impugned in the present writ petition has been passed in accordance with law.

16. I have considered the materials on record as well as the submissions made by the learned Advocates representing the respective parties.

17. In my view, there is no illegality or infirmity in the order dated October 13, 2026 passed by the Sub-Divisional Officer, Baruipur. The Sub-Divisional Officer, Baruipur was merely taking steps pursuant to and/or in compliance with the order dated September 23, 2026 passed by this Court in WPA/7518/2026.

18. The Sub-Divisional Officer, Baruipur rightly noted in his order dated October 13, 2026 that there was no stay of operation of the aforesaid order dated September 23, 2026 despite an appeal having been filed by the petitioner against such order.

19. There does not appear to be any wrongdoing by the Sub-Divisional Officer, Baruipur by passing the aforesaid order dated October 13, 2026. There is no infirmity in the process and procedure adopted by the Sub-Divisional Officer, Baruipur. The Sub-Divisional Officer, Baruipur was merely complying with the directions issued by this Court.

20. The writ court is generally not concerned with the merits of a decision but with the decision-making process. In the present

case, no illegality or impropriety in the decision-making process has been demonstrated by the petitioner.

21. If at all the petitioner could have been granted any protection, it could only have been by an order passed in the aforesaid appeal, being MAT/1714/2026. However, it does not appear that the petitioner has taken any step in such appeal after the last order dated October 5, 2026 was passed.

22. Accordingly, this writ petition stands **dismissed**. There will be no order as to costs.

23. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

24. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

25. Urgent Photostat Certified Copy of this order, if applied for, be given to the parties upon compliance with the requisite formalities.

(RISHAD MEDORA, J.)