November 26, 2026
(18) ARDR

WPA 32543 of 2026

Radhashyam Das & ors.
Vs.
The State of West Bengal & ors.

Adv. Soumen Kr. Datta,
Adv. Munmun Tiwari,
Adv. Dip Jyoti Chakraborty,
Adv. Chitrak Biswas,
Adv. Juthika Barman,
...for the petitioners.

Adv. Debasish Das,
...for the respondent nos. 9 to 13.

Adv. Debjani Sahu,
Adv. Arun Khutia,
...for the respondent no. 7.

Adv. Suman Chattopadhyay,
Adv. Ankana Sarkar,
...for the State.

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

The petitioners have assailed the order passed by the Sub Divisional Officer on 5th November, 2026 directing demolition of the construction in plot no. 214/684, J.L. no. 435, Mouza Jagatpur under Narayangarh Development Block.

Learned counsel for the petitioners submits that the petitioners were granted patta in respect of 25 decimals of land in plot no. 214/581 in Mouza Jagatpur and raised construction therein upon obtaining sanction from the concerned Panchayat. Subsequently the plot no. was changed to 214/684 and classification of the land was recorded as 'jal'. The private respondents alleged that the petitioners raised unauthorised construction on agricultural land without conversion of the same and without obtaining sanction from the concerned Panchayat. They submitted a representation before the concerned

Panchayat in this regard which was dealt with by the Pradhan who by an order passed on 29th August, 2026 held that the construction was raised without permission from the Panchayat and was therefore unauthorised/ illegal. The petitioners herein were directed to demolish the said construction within the stipulated time frame. The said order was assailed by the petitioners in a writ petition being WPA 25009 of 2026 wherein by an order passed on 16th September, 2026, this Court directed the Pradhan to communicate the findings recorded in the order dated 29th August, 2026 to the Sub Divisional Officer, Kharagpur within a week from the date of communication of the order. The Sub Divisional Officer was directed to deal with the issue in terms of Section 23(5) of The West Bengal Panchayat Act, 1973.

The petitioners carried the said order in appeal before an Hon'ble Division Bench of this Court, being MAT 1624 of 2026. By an order passed on 30th September, 2026, the Hon'ble Division Bench upheld the order of this Court and observed that the petitioners herein possessed a plan in respect of construction of a single storied commercial building in plot no. 214/581 which was not the subject matter of the writ petition. The Hon'ble Division Bench granted leave to the petitioners herein to raise the issue of sanctioning the plan in their favour on agricultural land before the appropriate authority and further directed that the demolition process would be restricted to the construction in Dag no. 214/684.

Learned counsel for the private respondents draws the attention of this Court to the fact that the sanctioned building plan was granted in favour of the petitioners in respect of plot no.214/581 in Mouza Bardai whereas the alleged construction has been raised in plot no. 214/684 in Mouza Jagatpur.

The contention of the petitioners with regard to grant of patta in their favour and subsequent change in classification and number of the plot and grant of patta in favour of the private respondents involves disputed questions of fact which cannot be dealt with by this Court in exercising extra ordinary jurisdiction under Article 226 of the Constitution of India. Moreover, it has been held by the Hon'ble Division Bench that the plan produced by the petitioners is in respect of plot no. 214/581 and the demolition process shall be restricted to the construction in Dag no. 214/684. The Mouzas pertaining to two Dags also appear to be different.

In view of the above, this Court is inclined to hold that the factual aspects made out by the petitioners herein may be dealt with by the appropriate civil forum. The petitioners are at liberty to approach the said forum for ventilation of their grievance.

The writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)