

30.01.2026.
Court No.13
Item No. 1
ap

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CIVIL APPELLATE JURISDICTION
(Appellate Side)

M.A.T. 8 of 2026
With
I.A. No. CAN 1 of 2026

Mohim Chandra Biswas & Ors.
Versus
The State of West Bengal & Ors.

Mr. Soumya Majumdar, ld. Sr. Advocate,
Mr. Amritam Mandal,
Ms. Jeenia Rudra.

...For the appellants.

Mr. Abhishek Sarkar.

...For the respondent no.7.

Mr. Kumar Shantanu,
Mr. Taiab Sahadat.

...For the respondent no.5.

1. Affidavit-of-service filed in Court today by the Counsel for the appellants be taken on record.
2. The instant intra court appeal is directed against the order dated 9th January, 2026 passed by a learned Single Judge of this Court sitting in Circuit in W.P.A. 1135 of 2025 and W.P.A. 1208 of 2025.
3. There are allegations made on either side both with regard to the absence of sanction plan, encroachment of construction by the appellant.
4. Counsel for the private respondent submits that he has complete title deed to his land whereas the appellants do not.

5. The Panchayat has raised several questions and has ordered demolition of the properties of Manoj Kumar Biswas and Smt. Mousumi Majumdar Biswas.

6. A direction was issued on 16th May, 2025 and 2nd June, 2025 by the Sub-Divisional Officer, Malbazar to demolish the illegal construction.

7. This Court does not find any serious infirmity in the order in question.

8. Needless to mention that if there is unauthorized construction made by any of the parties, the same shall be demolished by the concerned Sub-Divisional Officer.

9. In so far as the title disputes to the respective lands of the parties are concerned, the same may be decided by the Civil Court and/or Authority under the West Bengal Land Reforms Act, 1955.

10. The question of leaving of any three feet by either of the parties does not arise since the construction itself is unauthorized.

11. The concerned Sub-Divisional Officer shall take all necessary help of the local police to carry out this Court's order dated 9th January, 2026.

12. With the aforesaid directions, the impugned order shall stand modified accordingly. M.A.T. 8 of 2026 is disposed of.

13. In view of disposal of the appeal itself, the connected application being CAN 1 of 2026 shall also stand disposed of.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)