

Item No.42 wt 43
09.01.2026
Court. No. 2
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1135 of 2025

Smt. Mousumi Majumdar Biwas
VS
The State of West Bengal & Ors.

With

WPA 1208 of 2025
CAN 1 of 2025

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

Mr. Abhishek Sarkar

...for the Petitioners.

*Mr. Momenur Rahman,
Mr. Bikash Singha,*

*...for the State
In WPA 1135 of 2025.*

*Mr. Momenur Rahman,
Mr. Sourav Sarkar*

*...for the State
In WPA 1208 of 2025.*

*Mr. Kumar Shantanu,
Mr. Taiab Sahadat*

...for the Respondent No.5.

Mr. Amritam Mondal

...for the Respondent Nos.7 to 9.

1. Both the writ petitions are disposed of with a direction upon the Kranti Gram Panchayet to transmit the records of the proceedings which were held with regard to the complaint filed by the petitioners alleging unauthorized construction by

the respondent nos.7 to 9 to the concerned Sub-Divisional Officer. There is a specific finding that the construction of the respondent nos.7 to 9 was without any permission from the panchayet authorities. Such order was passed by the panchayet authorities pursuant to a direction of the High Court.

2. The law is well-settled that the concerned Sub-Divisional Officer is to finally decide the issue and take necessary steps in accordance with law, upon hearing the parties.
3. The Sub-Divisional Officer shall decide the matter upon hearing the petitioners as also the respondent nos.7 to 9 within 8 weeks from the date of receipt of the documents from the Panchayet authorities.
4. The Sub-Divisional Officer shall act and proceed in accordance with law.
5. Mr. Amritam Mondal, learned Advocate for the respondent nos.7 to 9 submits that WPA 1208 of 2025 was filed before the Principal Bench and an interim order was passed staying the notice issued by the Panchayet authorities dated June 2, 2025 till the end of June, 2025. It is the specific case of the petitioners as also the State respondent, that a copy of the said writ petition had not been received by them. In any event, the records do not reveal

that the interim order was extended by the High Court. An application for extension of interim order has been filed. However, there is an adjudication with regard to an unauthorized construction. The respondent nos.7 to 9 can urge all their points before the Sub-Divisional Officer.

6. If the allegation of the petitioners is found to be correct upon hearing all the parties, demolition shall be effected. Before such demolition is effected, a reasoned order shall be passed by the Sub-Divisional Officer and communicated to the respective parties.
7. As it is specifically alleged by Mr. Kumar Shantanu, learned Advocate for the Panchayet that construction is going on despite finding of the Panchayet authorities, liberty is granted to the concerned Gram Panchayet to take necessary steps in order to stop further construction. The construction will abide by the order of the Sub-Divisional Officer.
8. Accordingly, both the writ petitions and the connected application are disposed of.
9. However, there shall be no order as to costs.
10. The parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)