

May 30, 2025  
ARDR (19)  
(Vacation Bench)

**WPA 9719 of 2025**

Mahananda Nandi  
Vs.  
The State of West Bengal & ors.

Adv. Pampa Dey (Dhabal),  
Adv. Biswarup Chatterjee,  
...for the petitioner.

Adv. Dipanjan Datta,  
Adv. Sougata Mitra,  
...for the State.

The present writ petition has been filed citing inaction on the part of the concerned authority in failing to take appropriate action against an illegal structure allegedly constructed by the petitioner in contravention of the provisions of Section 23(6) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the “Act of 1973”), as well as Section 4(C) of the West Bengal Land Reforms Act.

I find Mr. Dipanjan Dutta and Mr. Sougata Mitra, who usually appear for the State and are present in Court, and I request them to appear in this matter for the State. Their appointment shall be regularized by the learned Government Pleader, High Court, Calcutta.

Mr. Dutta, highlights that in a/w the provisions of Section 23 of the Act of 1973, the jurisdictional Sub-Divisional Officer (SDO) is the appropriate authority to deal with such matters. However, it appears that no application and/or complaint has been submitted or lodged before the SDO in this regard.

The petitioner submits that liberty may be granted to file an application before the appropriate authority.

Having heard the learned advocate appearing for the petitioner and upon perusal of the materials on record, and particularly taking note of the submission made on behalf of the petitioner, this writ petition is disposed of with liberty granted to the petitioner to file a comprehensive representation before the concerned Sub-Divisional Officer (SDO) within a period of two weeks from date.

In the event such application is received from the petitioner, the Sub-Divisional Officer (SDO) shall consider the same and take a decision thereon in accordance with law. It is clarified that if the SDO finds merit in the petitioner's contention, appropriate steps shall be taken by him and in the event he finds that the petitioner's contention lacks merit, a reasoned order shall be passed.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of such representation and/or application from the petitioner.

With the above directions, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

**(Partha Sarathi Chatterjee, J.)**