

28.04.2023
Court No. 19
Item 213
CP

WPA No. 17705 of 2022

Iliyas Khan
Vs.
The State of West Bengal & Ors.

Mr. Satyajit Mondal
Mr. Malay Dhar
Mr. A. N. Sen
Mr. Amit Bikram Mahata

.....for the petitioner.

Mr. Mukteswar Maity

....for the respondent no. 9.

Mr. Tapas Adhikary
Mr. Somraj Dhar

.....for the State.

The grievance of the petitioner does not survive, inasmuch as, the authorities of Nainam Gram Panchayat have already forwarded the documents with their finding of unauthorized construction, to the Sub-Divisional Officer in compliance with the provisions of Section 23(5) of the West Bengal Panchayat Act, 1973.

The only other issue to be decided here is whether the panchayat authorities could straightway pass an order of demolition, without referring the matter to the Sub-Divisional Officer.

As the panchayat authorities have proceeded in accordance with the provisions of law by

transmitting the records to the Sub-Divisional Officer, the court disposes of the writ petition with a direction upon the Sub-Divisional Officer to act and proceed, in accordance with law. A reasoned order will be passed and communicated to the parties.

The direction for demolition issued by the panchayat authorities, is set aside. The other parts of the order of the gram panchayat is not interfered with as the final decision shall be taken by the Sub-Divisional Officer.

Steps for demolition is to be taken by the Sub-Divisional Officer if the authority ultimately comes to a finding after hearing the parties, that reasons for demolition exist.

The writ petition is, thus, disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)