

WPA 21748 of 2024
Jiten Dolui & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. Masooq Rahman

...for the Petitioners

Mr. Soumak Bera

...for Respondent Nos. 8 to 11

Mr. B. J. Bose

...for the State

The petitioners challenge a notice dated August 16, 2024, issued by the Pradhan, Chubka Gram Panchayat, which required to demolish their residential building within September 14, 2024.

Learned advocate appearing for Respondent Nos. 8 to 11 submits that the petitioners have constructed their house on a “barga” land and as such, the Panchayat issued the demolition order.

I am of the view that a demolition can only be carried out when an order is passed by the relevant Sub-Divisional Officer under Section 23 (5) of the West Bengal Panchayat Act, 1973.

The Panchayat can only refer the matter to the Sub-Divisional Officer for demolition.

In view of the aforesaid, I dispose of the writ petition by directing the Panchayat not to demolish the house of the petitioner no. 5, following the notice dated August 16, 2024.

This order shall not prevent the Panchayat from referring the matter to the relevant Sub-Divisional Officer to take steps in terms of Section 23 (5) of the West Bengal Panchayat Act, 1973, to initiate a demolition proceeding in accordance with law.

WPA 21748 of 2024 is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)