

WPA 22805 of 2024
Dulal Goyali & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Manoj Kumar Roy,
Mr. Parimal Kr. Chakraborty

...for the Petitioners

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata

...for the State

The petitioners challenge a demolition order passed by the Sub-Divisional Officer, Bongaon, North 24 Parganas, whereby they have been asked to demolish their residential building at plot no. 511, Mouza-Bora, J. L. No. 42, Gaighata Development Block, North 24 Parganas.

A plain reading of the said notice makes it clear that the petitioners were not heard by the Sub-Divisional Officer in passing the demolition order on July 22, 2024. Section 23 (5) of the West Bengal Panchayat Act, 1973, authorises the Sub-Divisional Officer to pass a demolition order only after hearing the owner of the building.

In this case, the owners were not heard by the Sub-Divisional Officer, Bongaon. Accordingly, the order dated July 22, 2024, issued by the Sub-Divisional Officer, Bongaon, North 24 Parganas is set aside. Consequentially, I also set aside the demolition notice dated July 31, 2024, issued by the Prodhan, Ichapur-II Gram Panchayat, Gaighata Development Block, North 24 Parganas.

This will not prevent the Sub-Divisional Officer to

initiate a fresh proceeding after giving an opportunity of hearing to the owners of the building.

WPA 22805 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.)