

**WPA 23197 of 2024**  
**Gopal Dey & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Pritam Choudhury

...for the Petitioner

Mr. Shuvro Prakash Lahiri

Ms. Sanjukta Samanta

...for the State

Despite service, respondent no. 3 is not represented.

The order of demolition has been passed on August 9, 2024, by the Pradhan, Belkash Gram Panchayat.

I am of the view that the said order is not sustainable in view of Section 23 (5) of the West Bengal Panchayat Act, 1973. A demolition order can be passed only by the relevant Sub-Divisional Officer.

Accordingly, the order dated August 9, 2024, is set aside.

This will not prevent the Panchayat from referring the matter to the relevant Sub-Divisional Officer for initiating a proceeding under Section 23 (5) of the West Bengal Panchayat Act, 1973.

**WPA 23197 of 2024** is disposed of.

Urgent photostat certified copy of this order, if

applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**