

24.09.2024
AKG
86
Ct.No.15

WPA 24376 of 2024

Shri Dilip Das
Vs.
The State of West Bengal and Ors.

Ms. Chaitali Bhattacharya,
Mr. Kartick Chandra Kapas
..for the Petitioner

Mr. Anindya Bose,
Mr. Mridul Biswas
..for Respondent No. 7

Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque,
Mr. P. B. Mahata
...for the State

It appears that respondent nos. 9 & 10 filed WPA 24085 of 2019, before this Court alleging unauthorised construction at the behest of the petitioner at L.R. Dag No. 3008 & Khatian No. 3698, Mouza-Rampur 27, P.S. & Block – Gaighata under Jaleswar-II Gram Panchayat, North 24 Parganas.

A Co-ordinate Bench of this Court by an order dated February 21, 2022, disposed of the writ petition directing the competent authority of Jaleswar-II Gram Panchayat to pass a reasoned order.

It appears that in compliance with the said order dated February 21, 2022, the Pradhan, Jaleswar-II Gram Panchayat has passed a demolition order dated September 19, 2024.

I find substance in the submission advanced on behalf of the petitioner that the demolition order dated September 19, 2024, could not have been passed by the Pradhan, Jaleswar-II Gram Panchayat. The Pradhan should have referred the matter to the relevant Sub-Divisional Officer for taking steps in terms of Section 23 (5) of the West Bengal Panchayat Act, 1973.

In that view of the matter, the demolition order dated September 13, 2024, and the subsequent notice dated September 19, 2024, are set aside.

This, however, shall not prevent the Panchayat from taking steps in terms of Section 23 (5) of the West Bengal Panchayat Act, 1973.

Accordingly, **WPA 24376 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.)