

22.09.2025.
Court No.13
Item No. 50
ap

M.A.T. No. 927 of 2025
With
I.A. No. CAN 1 of 2025
Saumen Mondal & Anr.
Versus
The State of West Bengal & Ors.

Mr. Sandip Ghosh,
Mr. Partha Sarkar.

...For the appellants.

Mr. Biplab Guha,
Mr. Milan Kumar Maity.

...For the State.

Md. Zeeshan Zaman.

...For the respondent no.8.

1. Affidavit-of-service filed in Court today be taken on record.

2. The instant intra court appeal is directed against the order dated 28th May, 2025 passed by a learned Single Judge of this Court in W.P.A. 12075 of 2025. The appellants were the private respondents in the writ petition. The writ petitioners have alleged that the respondent no.8 has effected construction over his property in violation of Section 23 of the West Bengal Panchayat Act, 1973 and Section 4(c) of the West Bengal Land Reforms Act, 1955.

3. The Single Bench has referred the matter for decision by the Sub-Divisional Officer, Bardhaman, Sadar South, Purba Bardhaman.

4. Learned Counsel for the appellants argues that it is the Prodhan of the Gram Panchayat, who is authorized to enquire and decide upon any unauthorized construction in terms of the West Bengal Panchayat Act, 1973.

5. It is only thereafter that the Sub-Divisional Officer, Bardhaman, Sadar South, Purba Bardhaman can assume jurisdiction, if challenged by the parties.

6. This Court notes that the learned Single Judge in its discretion has directed the Sub-Divisional Officer, Bardhaman, Sadar South, Purba Bardhaman to pass order in the matter. The same would quicken the process of decision making. The Sub-Divisional Officer, Bardhaman, Sadar South, Purba Bardhaman can always call for a report from the Prodhan of the concerned Gram Panchayat.

7. The Sub-Divisional Officer, Bardhaman, Sadar South, Purba Bardhaman is an officer senior to Prodhan and is a permanent employee of the State.

8. In that view of the matter, this Court finds no infirmity in the order impugned. M.A.T. 927 of 2025 shall stand dismissed.

9. The report of the Officer-in-charge, Memari Police Station dated 26th June, 2025 filed in Court today be kept with the record.

10. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

