

1.
28-08-2025
(Ct. no.37)
debajyoti
(Bench ID
266311)

**CPAN 1042 of 2024
in
MAT/1995/2023**

**Tapan Baidya & Anr.
Vs.
Parul Mondal**

Mr. Shyama Prasad Purkait,
Ms. Moumita Mondal

... For the Petitioners.

Mr. Gobinda Chandra Baidya

... For the alleged contemnor.

Dictated by Arijit Banerjee, J.

1. CPAN 1042 of 2024 was taken out alleging willful violation of a judgment and order dated November 30, 2023, whereby a coordinate Bench had disposed of MAT 1995 of 2023 along with the connected application. The operative portion of the said order reads as follows:

“ Having heard learned counsel for the parties, we are of the view that ends of justice will be served if the Prodhan of Basanti Gram Panchayat considers and disposes of the representation of the appellants dated September 10, 2016, which is at page 52 of the stay petition, by a reasoned order, in accordance with law, within a period of eight weeks from the date of communication of this order along with a copy of the said representation, after giving due opportunity of hearing to all concerned parties including the appellants and the private respondent herein. If the Prodhan finds that any unauthorized construction has been made by the private respondent which does not have the sanction of law, he will take appropriate steps for demolition of the same, in accordance with law.

We clarify that the Prodhan shall restrict his enquiry only to the issue

of alleged unauthorized construction made by the private respondent. The Pradhan shall not enter into any title dispute or whether or not the private respondent has encroached on the land of the appellants. As regards any title dispute, the parties will be at liberty to carry the same to the appropriate civil forum. ”

2. Learned advocate for the petitioners says that although the Pradhan of Basanti Gram Panchayat, passed a reasoned order dated March 22, 2024, on the representation of the petitioners as was directed by the coordinate Bench, and although the Pradhan has come to a finding that unauthorized construction has been raised by the private respondent in the writ petition without any sanction from the competent authority, the Pradhan has not taken any step for demolition of such illegal construction as she was directed to do by this Court's order.

3. Learned advocate, appearing for the alleged contemnor, being the Pradhan of Basanti Gram Panchayat, says that the Pradhan, after recording her finding in the reasoned order as regards unauthorized construction having been made by the private respondent, has forwarded the matter to the concerned Sub-Divisional Officer who is the authority to take necessary steps under Section 23(5) of the West Bengal Panchayat Act, 1973.

4. Learned advocate for the petitioners, however, says, referring to the affidavit filed by the alleged contemnor, that there is no document which would show that, in fact, the matter has been forwarded by the Pradhan to the concerned Sub-Divisional Officer.

5. We direct the alleged contemnor to supply a copy of this Court's order along with the reasoned order passed by the alleged contemnor to the concerned Sub-Divisional Officer within a week from

date. The concerned Sub-Divisional Officer, upon receipt of such orders, shall take all consequential steps that are necessary to be taken in terms of Section 23(5) of the West Bengal Panchayat Act, 1973. The exercise will be completed by the Sub-Divisional Officer within a period of four weeks from the date of receipt of the aforesaid orders by him from the Pradhan of the Basanti Gram Panchayat.

6. With the above direction, this contempt application stands disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Om Narayan Rai, J.) (Arijit Banerjee, J.)