

AD-08
Ct No.16
21.03.2025
TN

CPAN 1323 of 2024
In
WPA 26429 of 2023

Shri Nepal Chandra Ghosh
Vs.
Shri Shambhunath Soren, Pradhan, Manikkundu
Gram Panchayat

Mr. Sardar Amjad Ali, Ld. Sr. Adv.,
Mr. Puranjan Pal

.... for the petitioner

Mr. Supratim Dhar, Ld. Sr. Adv.,
Mr. Santimoy Bhattacharyya,
Mr. Anirban Das

....for the alleged contemnor

1. Heard learned senior counsel for the petitioner, who submits that the alleged contemnor, in violation of the order passed by this court on February 20, 2024 in connection with WPA 26429 of 2023 and WPA 109 of 2024, has not taken any steps for demolition of the unauthorized construction made by the private respondent in the writ petition.
2. Learned senior counsel appearing for the alleged contemnor places reliance on the order dated November 28, 2024, whereby the alleged contemnor, being the Pradhan of the Manikkundu Gram Panchayat, upon giving opportunity of hearing to both the parties, has taken a decision to the effect that the construction made by the private respondent in the

writ petition is unauthorized and in contravention of law.

3. Accordingly, the matter was referred to the Sub-Divisional Officer, Ghatal Sub-Division to take appropriate steps in that regard.
4. After a careful consideration of the order of this court passed in the above writ petitions, I find that the specific direction on the Pradhan, that is, the alleged contemnor was to independently take a decision upon giving an opportunity of hearing to both sides, without being influenced in any manner by any of the observations made on merits either by this court or by the Executive Magistrate or any of the reports filed before the concerned Executive Magistrate, and to independently act in accordance with law while taking a decision on such issue.
5. I find from the communication dated November 28, 2024 that, upon giving an opportunity of hearing to the petitioner as well as the private respondent, a decision has accordingly been taken by the alleged contemnor to the effect that the construction-in-question is unauthorized and has been made in contravention of law.
6. Section 23(6) of the West Bengal Panchayat Act, 1973, relied on by the petitioner himself, provides in no uncertain terms that where any new structure or new building or any addition to any structure or building is

being or has been erected or made, as the case may be, in contravention of the provisions of sub-section (1) of the said section, the permission granting authority shall refer the matter to the Sub-Divisional Officer concerned, who may, after giving the owner of such building an opportunity of being heard, make an order directing the demolition of the building or a portion of the building, as the case may be, by the owner within such period as may be specified in the order and in default, the Sub-Divisional Officer may itself effect the demolition and impose a fine as may be specified by the State Government and recover the cost thereof from the owner as a public demand.

7. In the present case, in strict compliance of the order of this court, the alleged contemnor, being the concerned Pradhan, has given an opportunity of hearing to both sides and has taken a decision on the issue by holding that the construction-in-question is unauthorized and in contravention of law. In fact, the alleged contemnor has gone one step further and complied with the mandate of sub-section (6) of Section 23 by writing to the Sub-Divisional Officer, thereby referring the matter for further steps being taken by the Sub-Divisional Officer in consonance with Section 23(6).
8. Thus, I do not find any wilful or deliberate violation of the order of this court on the part of the alleged contemnor.

9. Accordingly, CPAN 1323 of 2024 is dismissed on contest without, however, any order as to costs.

(Sabyasachi Bhattacharyya, J.)