

11.11.2025
Sl No.4
Ct. No.15
AKG

WPA 24958 of 2025
Sri Laxmi Kanta Sahoo
-vs-
The State of West Bengal & Ors.

Mr. Subhas Jana

...for the Petitioner

Mr. Swapan Kr. Dutta,
Mr. Vivekananda Bose,
Ms. Deboleena Ghosh

...for the State

Sk. Sahjahan Ali

...Respondent No. 9

Respondent No. 9 had earlier filed WPA 13874 of 2023 (Srikanta Sahoo vs. The State of West Bengal & Ors.), alleging unauthorized construction undertaken at the behest of the present writ petitioner. A Coordinate Bench of this Court, by an order dated December 4, 2023, disposed of the said writ petition, directing the Panchayat Authority to take necessary steps to address the alleged unauthorized construction in accordance with law, if it was found that such construction had been carried out either in violation of the sanctioned plan or without a sanctioned plan altogether.

It appears that, in compliance with the aforesaid order dated December 4, 2023, the Pradhan of Srirampur Gram Panchayat, Pratapdighi, Patashpur, Purba Medinipur, by a reasoned order dated June 30, 2025, inter alia, directed the demolition of the alleged unauthorized construction.

The said order of the Pradhan dated June 30, 2025, has been challenged by way of the present writ petition. A plain reading of the demolition order dated June 30, 2025, reveals that the Pradhan himself issued the direction for demolition, which, in view of Section 23(5) of the West Bengal Panchayat Act, 1973, cannot be sustained in law.

Under the aforesaid statutory provision, the Pradhan of the Srirampur Gram Panchayat, Pratapdighi, Patashpur, Purba Medinipur, is required to refer the issue to the concerned Sub-Divisional Officer, who alone is empowered to adjudicate upon matters relating to unauthorized construction and to issue any consequential demolition order.

The order passed by the Pradhan on June 30, 2025, is therefore set aside.

It is, however, made clear that this shall not preclude the concerned Pradhan from taking appropriate action in accordance with law and in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

Accordingly, **WPA 24958 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)