

Item No.19  
24.03.2026  
Court. No. 12  
*GB*

MAT 464 of 2026  
With  
CAN 1 of 2026

Tapan Pradhan  
Vs.  
The State of West Bengal & Ors.

*Mr. Manoranjan Jana*

*...for the Appellant.*

1. The appellant is aggrieved by an order dated March 5, 2026, passed by a learned Single Judge while disposing of two writ petitions, namely, WPA 573 of 2026 and WPA 1138 of 2026. The appellant is aggrieved by the order as Her Ladyship had directed the concerned panchayat authority to demolish the unauthorized construction which was detected both by the panchayat authorities and the Sub-Divisional Officer, Contai, Purba Medinipur. The order of demolition was passed by the Sub-Divisional Officer, Contai, Purba Medinipur on September 24, 2025. Demolition of the illegal construction made by the appellant on Plot No.467 of Mouza – Gobindapur, was directed.
2. The appellant urges that a partition suit is pending between the appellant and the private parties and an order of status quo had been passed. The appellant and the private parties were co-sharers in respect of several plots of land. Her Ladyship considered such

submission and held that the issue of unauthorized construction was a separate issue and was the subject matter of the suit. Secondly, pursuant to an order passed by another Single Judge dated January 15, 2025, in WPA 28501 of 2024, the concerned gram panchayat had taken up the issue for consideration and had come to a finding that there had been unauthorized construction. In accordance with Section 23(5) of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the 'said Act'), the matter was then placed before the Sub-Divisional Officer. The Sub-Divisional Officer proceeded in accordance with the provisions of the law and came to a finding that there had been unauthorized construction i.e., construction without any sanction or permission or valid plan.

3. WPA 1138 of 2026 was filed for implementation of the order of the Sub-Divisional Officer. The order of the Sub-Divisional Officer which appears at Page – 33 of the CAN application, indicates as follows:-

- a) In compliance of the order of the Calcutta High Court, the matter was referred to the Sub-Divisional Officer by the Pradhan, Paldhui Gram Panchayat.

- b) Notice was issued to the parties.

- c) Parties were allowed to make their submissions.

d) The recommendation of the Pradhan, Paldhui Gram Panchayat dated August 25, 2025 was taken into consideration and the panchayat's recommendation clearly stated that the construction was without any permission and without any valid plan.

4. Thus, the Sub-Divisional Officer held that the construction over Plot No.467 of Mouza – Gobindapur made by Tapan pradhan, the appellant herein, was illegal and unauthorized. With regard to the ownership of the plot on which the construction had been made, the Sub-Divisional Officer left it open to be adjudicated by the appropriate authority. Hence, in exercise of power under Sub-Section (6) of Section 23 of the said Act, the appellant was directed to demolish the illegal construction within 15 days from receiving the order, failing which the Pradhan, Paldhui Gram Panchayat was directed to demolish the building and recover the cost of demolition from the appellant. Police assistance was also allowed.
5. Mr. Jana, learned advocate for the appellant submits that during the pendency of the suit and the subsisting order of status quo, such direction to demolish the unauthorized construction was contrary to law and the panchayat authorities could not be directed to act in violation of the order of status quo passed by the learned civil court.

6. The order of the learned civil court has been placed before us. It appears from the order dated July 29, 2025, passed in T.S. No.403 of 2025, that the learned civil court had directed the defendant nos.1 to 5 in the said suit to maintain status quo with regard to nature, character and possession of the 'Ka' schedule property.
7. We find that the 'Ka' schedule property as described in the plaint and the injunction application which have been annexed to the CAN application, that all the three dags in the said schedule have been classified as 'Jal'. Under such circumstances, the status quo on those dags classified as 'Jal' would not be a hindrance to demolition of an unauthorized construction. Moreover, 'Ka' schedule property as described in the plaint, does not indicate that there is any construction thereon. Thus, continuation of the status quo order as rightly held by Her Ladyship, does not affect the power of the authorities to proceed under Section 23 of the said Act.
8. The High Court had directed the gram panchayat to enquire and investigate whether there was any unauthorized construction on a complaint raised in the writ petition filed by private parties. The Pradhan came to the conclusion that the subject construction was without any permission. The matter was sent to the Sub-Divisional Officer for

necessary action. The Sub-Divisional Officer also found that there was no permission or a plan sanctioned or approved by the gram panchayat.

9. Under such circumstances, when the fact finding authorities are of the clear view that there was no permission for such construction, implementation of the order is the ultimate consequence of such finding of the appropriate authorities. No construction which is without any permission can be allowed to remain for a single day.
10. Under such circumstances, we do not find any illegality in the order impugned.
11. Accordingly, the appeal and the connected application are dismissed.
12. Dismissal of this appeal will not affect the main suit.
13. Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**

**(Ajay Kumar Gupta, J.)**