

15.05.2026
SL No.2
Court No.12
(gc)

**MAT 836 of 2026
CAN 1 of 2026**

**Prakash Maity @ Prakash Chandra Maity & Anr.
Vs.
Suprakash Maity & Ors.**

Mr. Balailal Sahoo,
Mr. Lalit Mohan Mahata,
Mr. Rudranil De,
Mr. Amit Bikram Mahata,
Mr. Soumo Charan

...for the Appellants.

Mr. Tanmoy Mukherjee,
Mr. Manoranjan Jana,
Mr. Souvik Das,
Mr. Rudranil Das,
Mr. Abul Mullick

...for the Respondent Nos.1 & 2.

Mr. Sanjay Saha

...for the Respondent Nos.4 to 6.

1. We are not inclined to interfere with the order appealed against. The Sub-Divisional Officer has clarified that the three storied building standing on plot no.104/240, Mouza – Saiyadpur, J.L. No.204, Police Station – Ramnagar, Dist. – Purba Medinipur shall be demolished as the same was constructed without any permission. The finding of the Panchayat authority has, thus, been accepted by the Sub-Divisional Officer. The Sub-Divisional Officer has proceeded in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973. The records reveal that the orders passed by the learned Trial Judge in several proceedings would show that the construction is on plot no.104/240.

2. Thus, the matter had attained finality and, as such, the order passed by the learned Single Judge in a contempt proceeding is not amenable to appeal before this Court on the facts stated hereinabove. It is also informed to us that the challenge to the order of the Sub-Divisional Officer has been dismissed by a learned Single Judge and thereafter by a Division Bench. It also appears that there is an undertaking to demolish the self-same construction.
3. The order of the learned Single Judge, which is appealed from, is upheld.
4. Accordingly, the appeal and the connected application are disposed of.
5. There shall be no order as to costs.
6. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)