Item No.7
06.10.2026
Court. No. 12
GB

MAT 1539 of 2026
With
CAN 1 of 2026

Somnath Sen
Vs.
Rupchand Gorain & Ors.

Mr. Partha Sarathi Bhattacharya, Sr. Adv.,
Mr. Nikhil Kumar Gupta,
Ms. Soma Chakraborty,
Mr. Subhadeep Maitra
... for the Appellant.

Mr. Madhu Jana, Ld. J.G.A.,
Ms. Puja Sonkar
... for the State.

1. We have perused the report filed by the Sub-Divisional Officer, Purulia Sadar. The report is taken on record. The certified copy of the order impugned is also taken on record.
2. It appears that further constructions had been raised over plot nos.103, 104, 105, 107 and 108 of Mouza – Kalipur. Initially, the writ petition was filed with allegations that there were constructions on these plots. The writ petitioner approached this Court under Article 226 of the Constitution of India and by an order dated April 27, 2023, WPA 12144 of 2023 was disposed of with a direction upon the concerned gram panchayat to dispose of the representation of the writ petitioner regarding the unauthorized construction by the appellant.
3. After scrutinizing all the records and upon granting opportunity to all the parties to represent their respective cases and after considering the field enquiry report prepared by the office of the Block

Land and Land Reforms Officer, Purulia, the gram panchayat came to a finding that constructions had been made on plot nos.103, 104, 105, 107 and 108 of the said mouza and the same should be demolished in terms of Section 23 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the 'said Act').

4. Such order was passed by the gram panchayat on January 8, 2024. The order of the gram panchayat was challenged by filing WPA 8159 of 2024 by the wife of the appellant. The writ petition was disposed of with a direction upon the pradhan to take recourse to Section 23(5) of the said Act. The matter went to the Sub-Divisional Officer, Purulia Sadar for further steps in terms of Section 23(5).

5. It appears that a joint field enquiry report was filed by the Block Development Officer, Purulia-I and the Block Land and Land Reforms Officer, Purulia-I which clearly supported the finding of the gram panchayat.

6. Hence, proceeding under Sub-Section 5 of Section 23 of the said Act was initiated by the concerned Sub-Divisional Officer and a physical hearing was also given. The appellant was directed to demolish the unauthorized construction himself, failing which, the Block Development Officer, Purulia-I should demolish the construction and the expenses for such demolition would be recovered as costs from the appellant.

7. By a communication dated June 23, 2025, the Assistant Director and Block Land and Land Reforms Officer, Purulia-I informed the Sub-Divisional Officer

that the construction on plot nos.103, 104, 105, 107 and 108 of Mouza – Kalipur had been completely demolished.

8. The writ petition, in which the order impugned was passed, was filed by the private respondents seeking implementation of the order dated January 8, 2024. By the time the writ petition came up for hearing, the Sub-Divisional Officer had taken steps.

9. It was contented on behalf of the appellant before the learned Single Judge that, an authority had informed the Sub-Divisional Officer, upon making an enquiry in exercise of his official duty that, the construction had been completely demolished. The learned Single Judge ought to have disposed of the writ petition upon recording such fact, instead of referring the matter to the Sub-Divisional Officer for a further exercise under Section 23(5) of the said Act.

10. Mr. Bhattacharya, learned senior advocate appears before us and submits that the communication of the Block Land and Land Reforms Officer, Purulia-I dated June 23, 2025 was never challenged by the writ petitioner. The same was not assailed to be either false or fabricated. On the basis of the said communication, the Sub-Divisional Officer dropped the issue. When the writ petition was being heard after two years from its filing, a new plea was raised by the officials as also the writ petitioner that further construction had been made by the appellant, over the said plots of land.

11. It was urged before the learned Single Judge that the writ petition should be dropped as nothing survived

for a decision by the Sub-Divisional Officer, the unauthorized constructions had been removed.

12. As factual issues were involved, we directed the Sub-Divisional Officer to file a report, inter alia, stating whether the unauthorized constructions over plot nos.103, 104, 105, 107 and 108 of Mouza – Kalipur had been removed or not.

13. Today, a report has been filed in the nature of an instruction to the learned Government Pleader, from which it appears that after demolition of the unauthorized construction, some constructions had come up on the said plots once again.

14. Under such circumstances, the Sub-Divisional Officer had passed an order on September 30, 2026 asking the appellant to demolish the said construction, failing which the Block Development Officer, Purulia-I, should demolish the construction upon making the appellant to be liable for payment of costs and fine.

15. In support of such finding, the Sub-Divisional Officer relied on the reports of the Block Development Officer, Purulia-I Development Block, Revenue Inspector and Block Land and Land Reforms Officer, Purulia-I Block. It also appears that a field enquiry was made by the authorities as per the direction of the Sub-Divisional Officer before coming to such finding.

16. However, we find from the report of the Block Development Officer, Purulia-I Development Block that the appellant did not allow the authority to enter into the encroached portion. None were available to unlock the gate. We find that the appellant had

obstructed an official from discharging his statutory duty.

17. From the report it appears that the unauthorized construction on plot nos.103, 104, 105, 107 and 108 has been recurring. It should be demolished as per the direction of the Sub-Divisional Officer, and in accordance with law.

18. Accordingly, the appeal and the application are dismissed.

19. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)