

WPA 26035 of 2025
Kalyan Sadhukhan
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak

...for the Petitioner

Mr. Susovan Sengupta,
Mr. Subir Pal

...for the State

Mr. Narayan Debnath
Ms. Bishalaxmi Ghosh,
Mr. Md. Nesab Sarkar

...for Respondent No. 10

On an earlier occasion, the petitioner filed WPA 11243 of 2023 alleging unauthorised construction at the behest of respondent no. 10. It was alleged that respondent no. 10 had undertaken construction without any permission from the Panchayat. On May 12, 2023, the said writ petition was disposed of by a Co-ordinate Bench of this Court with a direction, inter alia, upon the concerned Panchayat Authority to pass a reasoned order.

In compliance with the said order, the Pradhan, Bhandarhati-I Gram Panchayat, passed an order dated July 18, 2025.

The present writ petition has been filed seeking implementation of the said order dated July 18, 2025 by the concerned Sub-Divisional Officer.

A bare perusal of the order dated July 18, 2025 makes

it clear that the Panchayat observed that respondent no. 10 had obtained permission from the Panchayat Authority for construction of a building measuring 120 square feet, whereas a residential structure measuring 170 square feet was constructed. The Panchayat Authority suggested partition of the relevant property in accordance with law without referring the matter to the concerned Sub-Divisional Officer for demolition. In view thereof, this Court does not find any scope to pass any further order in the present writ petition.

It further appears that the petitioner had earlier filed a contempt application alleging violation of the order dated May 12, 2023. The said contempt application, being WPCRC 46 of 2025, was disposed of by granting liberty to the petitioner to challenge the order passed by the Panchayat Authority in accordance with law.

The present writ petition has once again been filed seeking a direction upon the concerned Sub-Divisional Officer to take steps pursuant to the order dated July 18, 2025, passed by the Panchayat.

As noted hereinabove, the Panchayat Authority did not recommend demolition of the construction under Section 23(5) of the West Bengal Panchayat Act, 1973. Consequently, the concerned Sub-Divisional Officer cannot

assume jurisdiction in the matter.

Therefore, no direction can be passed in this writ petition directing the concerned Sub-Divisional Officer to take further steps following the order dated July 18, 2025.

Accordingly, **WPA 26035 of 2025** stands dismissed.

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.)