

Sl. No.33
06.01.2026
Suman
Ct. 15

WPA 26457 of 2025

Rabindranath Das
Vs.
The State of West Bengal and Ors.

Mr. Soham Dutta
..for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Tamal Taru Panda
..for the State

Mr. Sukumar Ghosh
Ms. Moumita Ghosh
..for respondent no.8

The petitioner seeks implementation of an order dated May 30, 2025, passed by the Pradhan, Kalyanpur Gram Panchayat, Purba Medinipur. The said order was passed in compliance with an earlier order dated January 16, 2025, passed in WPA 31057 of 2024 at the instance of the petitioner. By the order dated January 16, 2025, a Coordinate Bench of this Court directed the Pradhan to consider the petitioner's allegations of unauthorised construction against respondent no. 8 in accordance with law.

Pursuant thereto, the Pradhan of the Gram Panchayat, by order dated May 30, 2025, recorded a

finding that the land on which the impugned construction had been raised is a 'barga' land and, therefore, that no construction could lawfully have been undertaken on the said land. However, despite such observation, the Pradhan referred the matter to the concerned Block Land & Land Reforms Officer for taking necessary steps.

In my view, such a course of action does not constitute a reference under Section 23(5) of the West Bengal Panchayat Act, 1973, which contemplates a reference by the Pradhan to the Sub-Divisional Officer for appropriate action upon detection of unauthorised construction.

In the absence of a reference made in terms of Section 23(5) of the said Act, the petitioner cannot expect the concerned Sub-Divisional Officer to act on the basis of the order dated May 30, 2025, passed by the Pradhan.

Accordingly, this writ petition is not entertained.

This order, however, shall not preclude the petitioner from approaching the Pradhan for making an appropriate reference to the concerned Sub-Divisional Officer in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973.

Accordingly, **WPA 26457 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)