

15.06.2026
Court No. 12
Item No.10
Cp

CPAN 1652 of 2023
In
WPA 21675 of 2022

Omkar Nandan Ghosh
Vs.
Khargram Gram Panchayat & Anr.

Mr. Lutful Haque,
Ms. Taharima Khatun,
Mr. Mahewash Rasool

... for the Applicant.

Ms. Kakali Das Chakraborty

... for the Alleged Contemnor No.2.

1. It has been pointed out by the learned advocate for the alleged contemnor that, in the order passed in the writ petition, L.R. Plot No.3758 has been wrongly recorded, although the allegation was that the unauthorized construction was on L.R. Plot No. 3578.
2. It appears that, in the writ petition L.R. Plot No.3578 has been mentioned. The decision of the panchayat authorities is also in respect of Plot No.3578, on which the alleged unauthorized construction has been detected. The mistake in the order is noted, but it is inconsequential, as in that paragraph only submissions have been recorded. The direction in the writ petition passed upon the panchayat authorities, was to consider the representation of the applicant

dated July 25, 2022. In the representation, the plot No has been correctly mentioned as 3578. Thus, the authority proceeded on the basis of the correct plot No.

3. The compliance report indicates that, the unauthorized construction has been found on L.R. Plot No.3578 and the person responsible for such construction has been asked to demolish the said construction within 15 days from the date of notice dated April 19, 2024.
4. In view of the fact that unauthorized construction has been detected, nothing remains to be decided in the application. The issue of unauthorized construction which has been found by the authority should be ignored, as encroachment is a matter to be decided by the civil court. As unauthorized construction has been detected, the law should take its own course and the panchayat authorities should send all documents to the concerned Sub-Divisional Officer for proper steps under Section 23(5) of the West Bengal Panchayat Act, 1973. Such documents shall be sent to the concerned Sub-Divisional Officer within two weeks from date.

5. The Sub-Divisional Officer shall proceed in accordance with law, upon giving adequate opportunity of hearing to all parties.
6. Accordingly, the application is disposed of and the contempt proceedings are dropped.

(Shampa Sarkar, J.)