

25.02.2026
Piya
ct no. 5
sl. 44

In The High Court At Calcutta
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 160 of 2020

Bhabesh Chandra Barman
Vs.
State of West Bengal & Ors.

Mr. Suman Sehanabis
.....for the Petitioner

Mr. Monenur Rahaman
Mr. Pradip Sarkar
.....for the State

Ms. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmayee Das
..... for the Private Respondent No. 7

1. The writ application has been preferred praying for direction upon the respondents, their men, agents and assigns to demolish the illegal permanent structures erected within the 'Srimanter hat' at Kurshamari comprised in plot No. 58, J. L. No. 113, Mouza Kurshamar.

2. It is the contention of the petitioner herein that a hearing was conducted by the authority concerned in compliance of the Hon'ble High Court's direction in WPA 02 of 2019 and a reasoned order was passed vide memo no. 2370 dated 27.11.2019 by the Joint Block Development Officer, Mathabhanga-I, Block.

3. The contention of the petitioner herein is that there has been violation of the provision of Section 23 of the West Bengal Panchayat Act and Rule 17 and Rule 19 of the West Bengal Panchayat (Gram Panchayat) Administration Rules, 2004.

4. It appears from the said report that at page 4 of the report, it has been stated as follows:-

“.....To ascertain the true facts, a field enquiry has been conducted on 16/08/2019 by an enquiry committee headed by Sri Souvik Sarkar, Joint Block Development Officer, Mathabhanga-I Block. It was found that the walls of the shop of Fajlul Rahman S/o. Akbar Ali (respondents no. 8) made with bricks. Local persons reported that the shop is running for 50 years. The shop occupied by Kapiluddin Miah (respondent no.10) does not fall within the jurisdiction of Srimanter Hat and is located on Gram Panchayat premises.

During field enquiry, it has been found that three walls of the shop of Haidar Ali (respondent No.11) have been made with tin and one wall is made of brick. He and local people claimed that the brick wall was not made by Haidar Ali. The shop of Sri Ranjit Biswas (respondent no. 12) has been made of tin and the shop of Sri Haricharan Barman (respondent no. 13) has been constructed with tin. The shop of Sidam Barman (respondent no. 14) has been made with tin. The shop of Kajal Paul (respondent no.16) has been made partly with bricks and tin.

It has also been found that Abu Taleb Azad, Ex-Sabhapati, Mathabhanga-I Panchayat Samiti, private respondent no. 9 and Sri Sadhan Das (respondent no. 15)

*have no shop at Srimanter
Hat.....”*

5. It also appears that certain brick walls have been put up within the ‘Srimanter Hat’ and that the same happens to be in violation of the proviso to Section 23(2) of the Act.

6. Accordingly, the writ application is disposed of with the direction that the respondent no.4 herein shall act as per the said proviso to Section 23(2) of the Act and take necessary action to ensure that the said provision is duly complied with by the respondent herein, within a period of 60 days from the date of this order.

7. Writ application stands disposed of.

8. All connected application, if any, stands disposed of.

9. Interim order, if any, stands vacated.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)