

Item No.29
12.02.2026
Court. No. 6
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 166 of 2026

Rupa Thapa (Bhutia)
Vs.
The State of West Bengal & Ors.

*Mr. Shatadru Chakraborty, Sr. Adv.,
Mr. Supritam Nag*

...for the Petitioner.

*Mr. Pratap Khati,
Ms. S. Lepcha,
Mr. Nishant Rasaily*

...for the Respondent No.9.

1. The petitioner has challenged the order of demolition passed by the Pudung Gram Panchayat. The Gram Panchayat found that the construction is unauthorized as the same has been made in violation of Section 23(1) of the West Bengal Gram Panchayat Act, 1973. However, the Panchayat authorities cannot themselves demolish if the petitioner does not carry out such demolition. The entire records must be forwarded to the Sub-Divisional Officer under Section 23(5) of the said Act and the Sub-Divisional Officer upon hearing the parties shall be entitled to pass order of demolition and take necessary steps.

2. Under such circumstances, the order is clarified to the extent that the Pudung Gram Panchayat will send all the documents to the concerned Sub-Divisional Officer. The Sub-Divisional Officer will grant an opportunity of hearing to all the necessary parties including the petitioner and thereafter pass necessary orders and also take steps in accordance with law.
3. Accordingly, the writ petition is disposed of.
4. There shall be no order as to costs.
5. The parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)