

Court No. 19
(265719)

16.06.2026
(AD 37)
(S. Banerjee)

WPA 13208 of 2026

Biplab Kumar Mondal
Vs.
The State of West Bengal & Ors.

Mr. Arefin
Mr. Mohammad Obaid
...for the petitioner

Mr. Nilanjan Bhattacharjee, Sr. Advocate
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the State

After going through the order impugned it prima facie appears to this Court that the Sub Divisional Officer, Baruipur, South 24 Parganas has exercised powers under Section 23(5) of the West Bengal Panchayat Act, 1973.

The question arises as to whether the Sub Divisional Officer, without any decision taken by the authorities of the concerned Gram Panchayat, can suo motu initiate a proceeding under Section 23(5) of the West Bengal Panchayat Act, 1973.

It further appears from the order impugned that a demarcation report was submitted by the concerned Revenue Inspector and the impugned construction stands on a portion of a raiyati land and the balance is allegedly on the PWD road.

The larger issue would be whether the S.D.O. can direct encroachment from a raiyati land.

Faced with such situation Mr. Bhattacharjee seeks an accommodation to revert back with necessary instructions.

At this stage Mr. Arefin, learned advocate appearing for the petitioner submits that the respondent authorities under the direction of the Sub Divisional Officer, Baruipur, South 24 Parganas have already visited the locale for the purpose of execution of the order dated December 24, 2025.

Considering the urgency involved in this matter, this Court is inclined to pass an interim order.

There shall be an order of injunction restraining the respondent authorities from taking any further step pursuant to the order dated December 24, 2025 and not to carry out any demolition exercise till the end of the month of June, 2026 or until further order, whichever is earlier.

List this matter on June 24, 2026 under the same heading.

Learned advocate appearing for the petitioner is directed to serve a copy of this writ petition upon the non-appearing respondents and file an affidavit of service on the next date.

(Hiranmay Bhattacharyya, J.)