15.10.2026
rc/ct.no.15
Item No.13

WPA No. 17689 of 2026
Parimal Goswami
Versus
The State of West Bengal & Ors.

Mr. Swapan Banerjee
Mr. Dhananjay Nayak ..for the petitioner

Mr. Nilanjan Chatterjee
Mr. A. Roy Chowdhury …for the State

The private respondents and the Panchayat are not represented despite service.

Alleging illegal construction of a wall on vested land by the private respondents, the petitioner submitted a representation before the concerned authority which was not considered for which he approached this Court in a writ petition being WPA No. 4039 of 2026. By an order passed on March 06, 2026, this Court directed the Pradhan of the concerned Panchayat to consider and dispose of the representation within a stipulated timeframe upon granting reasonable opportunity of hearing to the parties, in accordance with law. In compliance thereof, the representation was taken up for consideration by the Pradhan, Sarbari Gram Panchayat and by an order passed on April 06, 2026, the Pradhan held that the disputed boundary wall has been raised on plot no. 3888 which is vested land to protect and maintain the sanctity of the village temple. The Pradhan has also held that the local

villagers are not willing to remove the said wall. The said order is assailed in the present application.

Learned counsel for the petitioner submits that despite the fact that the wall has been constructed on vested land, no step has been taken by the Pradhan for demolition of the same in terms of Section 25 of the West Bengal Panchayat Act, 1973.

It is not in dispute that the boundary wall has been raised on vested land as is also admitted by the Pradhan in the order impugned. Surprisingly, the Pradhan has acceded to the statement made by the local villagers that they are willing to remove the wall. He has turned down the representation submitted by the petitioner on the ground that no consensus was arrived at by and between the parties. This Court fails to understand why the Pradhan insisted on consensus between the parties despite having the authority to deal with the issue under Section 25 of the Act of 1973.

The said provision of law specifically deals with obstruction/encroachment on public property which includes vested land. Since admittedly the boundary wall has been raised on vested land it cannot be allowed to continue. The Pradhan, Sarbari Gram Panchayat, being the 4th respondent herein, is directed to take necessary steps for demolition of the same in terms of Section 25 of the Act of 1973 within four weeks from the date of communication of this order.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)