

Court No. 24

19.02.2021

(Item No. 21)

(AB)

W.P.A 4275 of 2021

Chandi Charan Mondal & Ors.

vs

The State of West Bengal & Ors.

Mr. Soumik Ganguly

Mr. Sayan Roy

...for the Petitioners

Mr. Chandi Charan De

Ms. Reshmi Rahaman

..... for the State

Affidavit of service filed by the petitioners is taken on record.

The petitioners allege that the Block Land and Land Reforms Officer through the Jhunka Gram Panchayat is constructing a road over the private land of the petitioners, without acquiring the same or without paying any compensation in lieu thereof.

The petitioners have annexed copy of the record of rights wherefrom it appears that the petitioners are the owners in respect of the plot No. 550, J.L. No. 61, Thana – Chhatna.

The petitioners objected to the construction of the road by making a representation before the Block Development Officer, Chhatna Block on 19th January, 2021. Copy of the said representation was forwarded to the District Magistrate, Bankura.

The petitioners allege that their representation has not been considered by the respondent authority till date.

The learned advocate for the State respondent does not have any instructions in the matter.

As it appears that the representation filed by the petitioners objecting construction of the road is pending consideration at the end of the Block Development Officer, it will be appropriate to dispose of the writ petition by directing the respondent No. 4, being the Block Development Officer, Chhatna Block to consider the representation filed by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the representative of the petitioners within a period of six weeks from the date of communication of a copy of this order. The petitioners will be entitled to rely upon the relevant documents in support of ownership of their land at the time of hearing. The Block Development Officer shall pass reasoned order and communicate the same to the petitioner no. 1 and all other necessary parties immediately thereafter.

Till such time a decision is taken by the Block Development Officer the road shall not be constructed over the plot of land of the petitioners.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation made on 19.01.2021 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)