

09.03.2021
SL No. 140
Court No.24
(P.M.)

WPA 4591 of 2021
Jan Mahammed Sk.
Vs.
The State of West Bengal & Ors.

Mr. Md. Mokaram Hossain,
Mr. R. Hossain,
Mr. Saumen Gayen,
Mr. Sandipan Maity
... for the petitioner

Mr. Soumitra Bandoadhyay,
Mr. Ramchand Guchhait
.... For the State.

The petitioner alleges that Daulatabad Gram Panchayet is taking steps for construction of a pucca road meant for public use over his private property. The petitioner objected to the same and filed a representation before the Panchayet Pradhan on 12th November, 2020.

According to the petitioner after receipt of the said representation, the project of construction of the road was temporarily stalled but thereafter, the petitioner alleges, that the work has resumed all over again.

None appear on behalf of the Gram Panchayet and the private respondents despite service. Affidavit of service filed in Court is taken on record.

The learned advocate appearing on behalf of the State respondents have received instruction from Daulatabad Police Station which mentions that there is a long standing brick village path which is being used by the local public for a long period. As the private respondents with the help of

the other villagers were taking steps to convert the village path into concrete road the petitioner objected to the same. The police have taken steps for maintaining peace and law and order in the locale.

It appears from the documents annexed to the writ petition that the Gram Panchayet is taking steps for construction of a concrete road starting from Asanuddin's house to SSK School.

The petitioner alleges that his private property is being used for construction of the public road. The same is not permissible.

The writ petition is accordingly disposed of by directing the Daulatabad Gram Panchayet to take necessary steps to enquire into the matter and if it is found that the private land of the petitioner is being used for construction of the public road then necessary steps shall be taken to ensure that the private property of the petitioner is not encumbered for public use in any manner whatsoever. Step shall be taken by the Panchayet at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

WPA 4591 of 2021 stands disposed of.

The report of the Officer-in-Charge, Daulatabad Police Station is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)