

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4695 of 2020

Abdul Sukur Golder & Anr.
Vs.
The State of West Bengal & Ors.

Md. Younush Mondal

.....For the petitioners

Mr. Chandi Charan De
Ms. Srilekha Bhattacharyya

.....For the State

Petitioners allege that the State respondents have wrongfully and illegally started construction of a road, namely, Barasat Bypass by taking possession over their plots of land being 855, 855/948, 855/949, Mouza – Mohanpur, P.S. – Deganga, District – North 24-Parganas and Plot No. 543 under Arijullapur – Mouza (hereinafter referred to as ‘the said plots of land’). They pray for an interim order restraining the respondents from carrying on any construction work on the said plots of land initiating any acquisition proceeding.

A copy of the writ petition has been served upon all the respondents.

Mr. De, learned Additional Government Pleader produces an instruction in writing issued by the respondent no. 3, the Special Land Acquisition Collector, North 24-Parganas stating that for the purpose of construction of Barasat Bypass the petitioners’ said plots of land have neither been acquired nor been involved in

any land acquisition case. Let a copy of the said instruction issued by the respondent no. 3 has produced by Mr. De be kept on record.

It is further submitted by Mr. De that without initiating any acquisition proceeding in respect of the petitioners' plots of land, there cannot be any question of the same being utilised for construction of any road.

In view of the above written instruction issued by the respondent no. 3 and the submission advanced by the State respondents, the writ petition WPA 4695 of 2020 is disposed of by issuing a writ of prohibition, prohibiting the respondents and each of one of them whether by themselves or their agents or servants or assigns or otherwise howsoever from constructing any road on the petitioners' aforementioned plots of land or interfering with the petitioners possession in respect of the said plots of land, in any manner whatsoever.

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

Department shall provide the parties with urgent certified website copy of this order subject to the fulfilling their requisite formalities by the applicants.

(Ashis Kumar Chakraborty, J.)