

16.07.2021
Court No. 19
Item no.8
sn

WPA No. 11061 of 2021

RAM RANJAN CHAKRABORTY VS. THE
STATE OF WEST BENGAL &N ORS.

(via video conference)

Mr. Tarunjyoti Tewari
..for the petitioner
Mr. Anirban Roy..Ld.G.P.
Mr. T.M. Siddique
..for the State

This writ petition has been filed challenging an overt act on the part of the Mangrul 3 No. Gram Panchayat, the respondent no. 4, and its officials who have allegedly encroached into the land of the petitioner situated at Dag No. 6424, Mouza Mangrul, Khatian No.1528, J.L. No.176, P.S. Chandrakona, District Paschim Medinipore, for construction of a 'pucca' road.

It is the contention of the petitioner that the land in question is a bastu land, which was gifted to the petitioner by one Bidyut Bala Kushari. Reliance is placed on the record of rights. According to the petitioner, the Panchayat authorities are trying to construct a pucca road over the said land without acquiring the same.

Records reveal that several representations have been made before the District Magistrate, Sub-Divisional Officer, the Pradhan and the Block Land & Land Reforms Officer of the concerned Block but to

no avail. It is further alleged that the Panchayat authorities have already stacked some building materials on the said land.

The Panchayat authorities have a right to acquire any land in terms of West Bengal Panchayat Act, 1973 but in the absence of any acquisition, such encroachment cannot be made. Thus, it is necessary that the Block Land & Land Reforms Officer, Chandrakona-1 Block inspects the area, measures the same and passes appropriate orders

Having heard the contention of the petitioner, this writ petition is disposed of with a direction upon the Block Land & Land Reforms Officer, the respondent No.6 to consider the grievances of the petitioner in terms of the representation dated June 24, 2021 (at page 26 of the writ petition) upon hearing the petitioner as also all other interested persons including the Pradhan.

The respondent no. 6, shall measure and demarcate the area on the basis of the land records. In case of any encroachment by the Panchayat authorities, appropriate steps shall be taken with respect to the alleged construction of the road.

This Court has not directed the Block Land & Land Reforms Officer to decide any dispute of title or possession between the parties but the Block Land & Land Reforms Officer must measure the land

belonging to the petitioner on the basis of the record of rights and other land records available in his office and pass a reasoned order on the basis of the inspection and hearing given. This court has not gone into the merits of the case.

The entire exercise should be completed within a period of six weeks from the date of communication of this order.

Till the decision is taken by the Block Land & Land Reforms Officer, no construction shall be made over the alleged land of the petitioner.

This writ petition is thus disposed of.

There will be however no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)