

S/L 14
22.09.2021
Court. No. 19
GB

WPA 11542 of 2021

Sri Rameshwar Dalai
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Amit Baran Dash.

...for the Petitioner.

*Mr. Anirban Roy,
Mr. Raja Saha,
Ms. Tanusri chanda.*

...for the State.

Despite service none appears on behalf of the Panchayat authority.

The petitioner is one of the legal heirs of late Manahar Dalai. It is contended by the petitioner that without any permission from the owners, the Panchayat authorities forcefully constructed a road over a portion of Dag No.595/630, Mouza – Ratanpur, P.S. Contai, District – Purba Medinipur, which is classified as ‘Jal’.

It is further submitted by the petitioner that such agricultural land cannot be used by the Panchayat authority for construction of a concrete road. Next, it is submitted that without acquiring the portion of the land over which the road has been constructed and paying compensation to the rightful owners, the entire action of the Panchayat authorities is bad in law and liable to be set aside by passing appropriate mandatory orders.

It appears from the records that the peittioner has filed a representation before the Block Development Officer, Contai Block-1, the respondent no.4 herein.

The writ petition is disposed of, with a direction upon the respondent no.4 to dispose of the representation of the petitioner which was received by the authority on June 7, 2021 in accordance with law upon hearing the petitioner as also the competent authority of the No.5, Anchal Mahishagot Gram Panchayat. While disposing of the said representation, the concerned authority shall make an inspection by comparing the area with the mouza map and other land records available in the office of the concerned Block Land and Land Reforms Officer, in order to ascertain as to whether any road has actually been constructed on the said land by the Panchayat authorities and/or whether the alleged land had actually been recorded in the name of the petitioner's predecessor. The office of the Block Land and Land Reforms Officer shall provide all assistance, including measurements by an 'Amin', if required for such inspection. The Block Development Officer shall pass an reasoned order and communicate the same to all concerned.

This Court has not gone into the merits of the claims and counter-claims of the parties.

The entire exercise shall be completed within a period of four months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)