

22.
08.09.2021
S.D.

W.P.A. 13560 of 2021

**Durgapada Sahoo
Vs.
The State of West Bengal & Ors.**

Mr. Soumen Dutta

...For the Petitioner.

Mr. Srijan Nayak
Ms. Rituparna Maitra

..For the State.

Mr. Tanmoy Chattopadhyay

... For respondent nos. 4 & 5

The writ petitioner has alleged that the Panchayat authorities in the process of widening the Panchayat road has attempted to encroach upon a portion of plot nos. 180 and 184 of Mouza Purba Ramchandrapur pertaining to Khatian no. 73, of which the petitioner is the owner in possession. It is submitted that the Panchayat authorities are acting contrary to law and cannot acquire the said land without payment of compensation.

The petitioner submits that the Panchayat authorities do not have any power under the statute to encroach into any private land, except in accordance with law.

Mr. Chattopadhyay, learned advocate appearing on behalf of the Panchayat authorities submits that the petitioner does not have any cause of action to approach this Court as the writ

petition is based on apprehension of encroachment. It is next submitted that the widening of the road is restricted to plot no. 186 and not over plot nos. 180 and 184, as alleged in the writ petition.

Mr. Nayak, learned advocate appearing on behalf of the State submits a report, prepared by the Officer-in-charge of the Junput Coastal Police Station which shows that no complaint has been received by the police station with regard to such allegations of the petitioner.

Under such circumstances, as it is a specific case of the Panchayat authorities that the construction is only restricted to plot no. 186 of Mouza Purba Ramchandrapur and not over plot nos. 180 and 184, the writ petition is disposed of without any orders.

If, during the construction of the road at a later point of time, the petitioner's plot is encroached upon, the petitioner will be entitled to challenge such action in accordance with law.

With the above observation, the writ petition is disposed of.

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

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

(Shampa Sarkar, J.)

