

Court No. 24

04.02.2021

(Item No. 130)

(AB)

W.P.A 10160 of 2020

Smt. Dipa Ghugu

vs

The State of West Bengal & Ors.

Mr. Atarup Banerjee

Mr. Mrityunjoy Chatterjee

...for the Petitioner

Mr. Rajarshi Basu

Mr. K. M. Hossain

..... for the State respondent

None appears on behalf of the Panchayat authority.

The petitioner alleges that the Asuti Gram Panchayat has forcefully and illegally dug up a tube well in the private land of the petitioner at Mouza Khanberia, J.L. No. 32, L.R. Dag No. 841, L.R. Khatian Nos. 47, 92, 826, Police Station Maheshtala.

The petitioner approached the Court of the learned Executive Magistrate, Alipur with an application under Section 144 (2) of the Cr.P.C. 1973.

The petitioner, however, admits that no representation has been made before the Panchayat.

In view of the allegation made by the petitioner herein that the Panchayat has dug up a tube well in the private land of the petitioner without acquiring the same and without any notice, the petitioner is granted leave to make an appropriate representation before the Panchayat authority giving details of the illegal work allegedly done by

the Panchayat along with the documents in support of ownership of the land.

In the event, such a representation is made before the Panchayat, the same shall be considered by the Pradhan, strictly in accordance with law, within a period of six weeks from the receipt of the representation

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The said respondent shall pass a reasoned order after giving an opportunity of hearing to all the parties and communicate the reasoned order to the petitioner and all other parties immediately thereafter.

Accordingly the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)