

19.02.2021
SL No.17
Court No.24
(P.M.)

WPA 11303 of 2020

Ranjit Bera & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Malayasree Maity
... for the petitioners

None appears on behalf of the respondents despite service.

Affidavit of service filed in court is taken on record.

The petitioners allege that the Pradhan of the Mamonidinda Gram Panchayet is illegally constructing a public road over Dag No. 387, Rasikpur Mouza.

The petitioners submit that the aforesaid plot of land is recorded in the name of the predecessor-in-interest of the petitioners and the same is recorded as bastu land in the record of rights.

The petitioners submit that a civil Suit has been filed in respect of the aforesaid land and an order of injunction has been passed by the Court in the year 1995 whereby the parties have been directed to maintain status quo in respect of the suit land.

The petitioners submit that the order of injunction passed in the Title Suit No. 79 of 1991 is subsisting till date.

The petitioners submit that in the event public road is constructed over the private land then the public life of

the parties will be severely disturbed and the Title Suit filed before the court below praying for declaration of title in respect of the land will be rendered infructuous.

The petitioners have filed a representation before the Pradhan of the Gram Panchayet by a letter which was sent through post on 10th December, 2020. The petitioners allege that the same has not been considered by the Pradhan till date.

As it appears that the representation of the petitioners is pending consideration at the end of the Pradhan, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 6 being the Anchal Pradhan, Nilkunthya 5 No. Anchal Office and the respondent No. 7 being the Pradhan of the Mamoniidinda Gram Panchayet to consider and dispose of the representation filed by the petitioners by a letter posted on 10th December, 2020, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners within a period of twelve weeks from the date of communication of a copy of this order and communicate the same to all the necessary parties including the petitioners immediately thereafter.

As allegation has been made that the road is being constructed over the private land of the petitioners, the respondent No. 7 is restrained from continuing with the

construction of the road over the land of the petitioners till an order is passed by the aforesaid respondent upon consideration of the representation of the petitioners.

WPA 11303 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)