

12/02/2021
Item No.64 DL
Court No.38
S. DE

Through Video Conference

W.P.A. 11906 of 2020

Md. Ariful Islam @ Mintu Golder.

-Vs-

The State of West Bengal & Ors.

Md. Younush Mondal ...for the petitioner.

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Somenath Mukherjee ...for the State

The petitioner alleges that the State respondents have wrongfully and illegally started construction of a pucca road, by taking possession of the petitioner's plot of land being plot no.567/1555, Mouza-Arijullapur, P.S. Deganga, District-North 24-Parganas. He prays for an order restraining the respondents from carrying on any construction work on his plot of land without initiating acquisition proceeding.

Mr. Dey, learned Additional Government Pleader appears on behalf of the State. He very fairly submits that without acquiring the petitioner's land the State cannot make any construction thereon. He further says that he does not have any instruction that the State has initiated acquisition proceeding in respect of the concerned plot of land.

In view of the aforesaid, this writ petition is disposed of by issuing a writ of prohibition, prohibiting

the respondents and each of them whether by themselves or through their agents or servants or assigns or otherwise howsoever from constructing any road on the petitioner's aforementioned plot of land or interfering with the petitioner's possession in respect of the said plot of land, without initiating procedure for acquisition of the land following due process of law.

Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

W.P.A. 11906 of 2020 is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Arijit Banerjee, J.)