

12/02/2021
Item No.65 DL
Court No.38
S. DE

Through Video Conference

W.P.A. 11919 of 2020

**Md. Mucha Mondal & Ors.
-Vs-
The State of West Bengal & Ors.**

Md. Younush Mondal ...for the petitioner.

Mr. Subhasish Bandyopahdyay
...for the State

The petitioners allege that the State respondents have wrongfully and illegally started construction of a road, by taking possession of their plots of land being plot nos. 593 and 865, Mouza-Mohanpur, P.S. Deganga, District-North 24-Parganas. They pray for an order restraining the respondents from carrying on any construction work on the said plots of land without initiating acquisition proceeding.

Learned advocate appearing for the State produces a report prepared by the Inspector-in-charge, Deganga Police Station, wherein it is clearly stated that the petitioners' grievance is correct. Work of construction of road is going on but no acquisition proceeding has been initiated in respect of the land of the petitioners. It is further stated in that report that the P.W.D. has informed the Police that they will

acquire the land as per Government Rules before making construction on the petitioners' plots of land.

Let the report be kept with the record.

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 petitioners' aforementioned plots of land or interfering with the petitioners' possession in respect of the said plots of land, without initiating procedure for acquisition of the lands 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. 11919 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.)

