

11.05.2022
Court No. 19
Item no.19
CP

WPA 2290 of 2022

Gopal Sengupta & anr.
Vs.
The State of West Bengal & ors.

Mr. Dilip Kumar Maity
Mr. Prasanta Kumar Das

....for the petitioners.

Mr. Himadri Sikhar Chakraborty
Mr. K. M. Hossain

....for the State.

Despite service on two occasions, none appears on behalf of the Pradhan, Radhanagar Gram Panchayat.

The instructions filed by Mr. Chakraborty, learned advocate for the State, along with all the documents are taken on record.

The petitioners are aggrieved by the construction of a morum road over the lands of the petitioners situated at Plot No. 1201/1378 of Mouza – Kankila, J.L. No. 60 which has been classified as ‘Danga’.

Records reveal that complaints were lodged before the Zilla Parishad, Bankura as also the District Magistrate & Collector, Bankura.

Mr. Chakraborty, learned advocate appearing on behalf of the respondents, submits that the Block

Development Officer, Bankura had asked the Block Land & Land Reforms Officer to file a report to ascertain the correctness of the allegations of the petitioners. The Block Land & Land Reforms Officer sat tight over the issue. The Block Development Officer also asked the Pradhan of the concerned gram panchayat to take necessary steps and file a report. Reminders were also sent but the authorities paid no heed to the request of the Block Development Officer.

According to Section 44 of the West Bengal Panchayat Act, 1973, if the panchayat authorities are not in a position to negotiate with the land owners whose private lands are required for some developmental purpose, steps must be taken for acquisition of the land through the collector.

Although the Block Development Officer had asked the panchayat authorities as also the Block Land & Land Reforms Officer to file reports with regard to the allegations of the petitioners of forceful encroachment into their land for construction of the morum road, the said authorities have maintained continuous silence which prima facie appears to the court to be an evasive attitude to avoid the truth and reality of the situation and to bypass the law.

Thus this court is of the view that the District Magistrate and Collector, Bankura who is the highest

administrative authority must dispose of the complaint lodged by the petitioners through their advocate dated December 1, 2021 in accordance with law, upon providing an opportunity of hearing to the petitioners and the panchayat authorities. An enquiry shall be made and demarcation of the lands of the petitioners shall be effected with the help of an 'Amin' and compare with the records of the Block Land & Land Reforms Office.

A report shall be prepared and supplied to the parties. If it appears that the allegation of the petitioners is correct, then steps shall be taken either by compensating the petitioners in accordance with law or by purchasing the land upon payment of consideration money as assessed by the competent authority. If the allegation of the petitioners are found to be incorrect, then the same shall be disclosed in the reasoned order.

In either case, a reasoned order shall be passed and communicated to the parties.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)