

09.09.2022
Sl. No.154(ML)
srm

W.P.A. No. 2109 of 2020
Alimuddin Laskar & Ors.
Vs.
The State of West Bengal & ors.

Mr. Sudarshan Ghosh

....for the Petitioners.

None appears on behalf of the respondents.

However, as this Court is not inclined to pass any mandatory directions as prayed for by the petitioners in the writ petition, but is relegating the entire dispute before the appropriate authority, the writ petition is disposed of in their absence.

The petitioners allege that the respondent No.9/Monirtat Gram Panchayat, District-South 24-Parganas, have been forcefully trying to construct a canal through the land of the petitioners. The petitioners claim to be the absolute owners of the land in question. It is alleged that such canal is being constructed through Dag No.1003 of mouza Monirtat.

The petitioners rely on Section 44 of the West Bengal Panchayat Act, 1973 and submit that unless the petitioners permit such construction or are compensated by the panchayat authorities, the authorities do not have any right to encroach into the land of the petitioners by

constructing a canal, even if the said construction is for public purpose.

Under such circumstances, the petitioners are granted liberty to approach the District Magistrate, South 24-Parganas by filing a representation with their grievances against the panchayat authorities.

The District Magistrate, on receipt of the representation of the petitioners, shall cause an enquiry through the concerned Block Land and Land Reforms Officer, Joynagar-II Development Block and the Amin, for physical demarcation of the land of the petitioners based on the petitioners' deed and the land records. If the allegation of the petitioners is found to be correct, a reasoned order shall be passed indicating the manner in which the said land can be utilized by the panchayat authorities, upon compensating the petitioners. If the allegation of the petitioners is found to be incorrect, the reasons for such finding, shall be disclosed in the said order.

The entire exercise shall be completed within a period of six months from the date of receipt of the representation of the petitioners.

The writ petition is, therefore, dismissed.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)