

Sl. No.104
(Monthly List)
06.07.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5343 of 2021

Biswanath Karmakar & Anr.
vs.
The State of West Bengal & Ors.

Mr. Udaynarayan Betal

... for the petitioner

The petitioner alleges that Domkal Municipality has constructed a public road over the private land of the petitioners without acquiring the same in accordance with law.

The petitioner objected to the construction of the road by filing representation before the Chairman, Domkal Municipality on 2nd February, 2021 and alleges that the same has not been taken up for consideration till date.

None appears on behalf of the Domkal Municipality despite service.

Affidavit of service filed in Court is taken on record.

As it appears that there is specific allegation of illegal construction without acquiring the private land of the petitioners, accordingly, the Chairman, Domkal Municipality is directed to take into consideration the representation filed by the petitioners on 2nd February,

2021 strictly in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The aforesaid respondent shall afford an opportunity of hearing to the petitioners to produce relevant documents in support of their claim of title in respect of the land in question.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

In the event, the Chairman of the Municipality is of the opinion that the construction has been made over the private land of the petitioners and the said construction will be required for a public purpose, then necessary steps for acquiring the land in question shall be undertaken by the aforesaid respondent.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)