

28.09.2022
Sl. No.98(DL)
srm

W.P.A. No. 4534 of 2022

Bulbul Mufti & Ors.

Vs.

The State of West Bengal & Ors.

Sk. Md. Ismail

....for the Petitioners.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondents.

The petitioners submit that 15 decimals of land in Plot No.22 under mouza Sankharidaha belonged to the predecessor-in-interest of the petitioners. The petitioners inherited the same. The plots have been recorded in the names of the petitioners in LR Khatian Nos.1361, 1362, 1363, 1363 and 1450. It is submitted that a concrete wall is being erected by encroaching the land of the petitioners. The construction is a part of the project of widening of the panchayat road. The same has been initiated by the Begri Gram Panchayat, District-Howrah. The petitioners were issued a notice on March 21, 2022, and were asked to be present during demarcation and measurement of the land in question. The petitioners submit that consent of the petitioners were not taken. No compensation was paid.

Allegation is of violation of the provisions of Section 44 of the West Bengal Panchayat Act, 1973.

The writ petition is disposed of, with liberty to the petitioners to approach the Block Development Officer, Domjur Development Block, with their grievances. If such representation is filed, the same shall be considered and disposed of in accordance with law. A reasoned order shall be passed. An inspection and demarcation shall be carried out with the help of the Block Land and Land Reforms Officer, Domjur Block. The 'Amin' shall be deployed for the purpose. A report along with the sketch map shall be prepared and supplied to the parties. In the event, it is found that portions of the land of the petitioners shall be utilized for the project, provisions of Section 44 of the West Bengal Panchayat Act, 1973 shall be made applicable. If upon the demarcation, the allegations of the petitioners are found to be incorrect, in that event, reasons shall be disclosed in the order. A reasoned order shall be passed and communicated to all parties.

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

This Court has not gone into the merits of the claims of the petitioners and the issues shall be decided, as directed hereinabove, by the appropriate authority.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)