

S/L 81
31.10.2022
Court. No. 19
GB

W.P.A. 4970 of 2022

Suchand Das
VS
The State of West Bengal & Ors.

*Mr. Keshab Chandra Das,
Ms. Aparajita Mondal.*

...for the Petitioner.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondents. This Court is not inclined to pass any mandatory direction as prayed for by the writ petitioner, but is relegating the entire issue to be determined by the concerned authority. Thus, the matter is taken up in their absence. The Block Development officer Pursurah, shall dispose of the representation of the petitioner dated March 15, 2022 in accordance with law, upon giving an opportunity of hearing to the petitioner as also the panchayat authorities.

The allegation of the petitioner is that the panchayat authorities and the panchayat samiti were constructing a building over the land of the petitioner. According to the petitioner, without the permission of the petitioner or without adequately compensating the petitioner, such land could not be used.

The factual aspects which have been raised in this writ petition cannot be decided by the court. The Block Development Officer shall enquire into the matter upon making an inspection of the land in question, being plot

nos.1745/3145, 1745/3144 and 1745/3142, pertaining to J.L. No.1, Mouza-Sahapur, within the jurisdiction of Pursurah Police Station, District Hooghly. Such inspection shall be made in the presence of the petitioner and the panchayat authorities. The assistance of the concerned Block Land and Land Reforms Officer shall be taken. Demarcation shall be made upon consultation with the land records as also the documents of title of the petitioner.

If it is found that the allegation of the petitioner is correct and the construction of the building is being made on the exclusive land of the petitioner, the petitioner shall be adequately compensated. If it is found that the allegation of the petitioner is not correct, necessary orders shall be passed in accordance with law. Any dispute over title shall be determined by the civil court. If the petitioner's claim to title over the concerned land cannot be ascertained or there is any confusion with regard to boundary or possession, the remedy of the petitioner will be before the civil court.

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

The entire exercise shall be completed within a period of four months from date of communication of this order. Any construction that is made, shall abide by the result of the decision of the authority.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)