

11.04.2022
Court No. 19
Item no.07
CP

W.P.A. No. 6195 of 2022

Safi Uddin Naskar & ors.
Versus
The State of West Bengal & ors.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. A. Mukherjee

...for the petitioners.

Mr. Jahar Datta
Mr. Bipin Ghosh

....for the State.

The petitioners apprehend that the Kalyanpur Gram Panchayat may include some portions of the land belonging to the petitioners situated at L.R. Dag No. 1262, 1265 and 1268 of Mouza – Khodar Bazar, J.L. No. 40, Khatian No. 808, in the project of widening the panchayat road.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioners, submits that the said lands were declared to belong to the petitioners by a competent court of law in Title Suit No. 184 of 1959. He refers to the mouza map and submits that the L.R. Dag nos. belong to the petitioners, as per the mouza map.

The panchayat authorities had also written a letter to the petitioner no. 1 seeking cooperation

when the panchayat authorities were going to fell the trees allegedly standing on the government land right in front of the lands of the petitioners.

This court is not in a position to ascertain the correctness of such allegation. Neither is the writ court competent to ascertain the boundaries between the government land and the land of the petitioners.

Under such a situation, this court is of the view that the Block Development Officer, Baruipur in the presence of the concerned Block Land & Land Reforms Officer, the panchayat authorities and the petitioners, shall make a demarcation of the lands of the petitioners and the alignment/links of the proposed road, to be constructed. The demarcation will be made with the help of an 'Amin' from the office of the concerned Block Land & Land Reforms Officer. The mouza map, the title deeds of the petitioners as also the plan of the proposed road, shall be compared and taken into account.

The report of the demarcation shall be handed over to the petitioners.

In case it is found that some portions of the land of the petitioners will be included in the project, then steps shall be taken by the authorities to either take consent of the petitioners or to acquire the same or purchase the same, from the petitioners. If it is found that the lands of the petitioners are not going

to be utilized for the construction of the alleged road, the construction shall continue without any further impediment, and necessary reasons shall be recorded and intimated to the petitioners.

This court has not made any observations on the merits. Such decision will be taken by the competent Block Development Officer, within a period of four weeks from date.

Till the disposal of this matter by the Block Development Officer, construction over the plots and alongside the lands of the petitioners shall not be allowed. Other portions of the alleged constructions shall continue in accordance with law.

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.)