

S/L 19
10.5.2022
Court. No. 19
sn

WPA 7744 of 2021

Sahadev Rana & Ors.
Vs.
The State of West Bengal & Ors.

Sk. Rejaul Alam
Mr. Kamon Sahoo ... for the Petitioners.

Sk. Md. Galib
Ms. Subhra Nag ... for the State.

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

The petitioners have filed a complaint before the Block Development Officer, Pingla, alleging that the Pradhan of 7 no. Gobardhanpur Gram Panchayat has encroached into the property of the petitioners situated at plot nos.706, 717, 720 and 1360 of Mouza Kultapur, J.L. no.65 has started and excavated earth of drain.

The Block Development Officer, Pingla made a preliminary enquiry and discovered that the work under Pradhan Mantri Gram Sadak Yojana for construction of a road from Jashorajpur to Tulsichak was under progress. It appears that neither the no. 7 Gobardhanpur Gram Panchayat nor the Pingla Panchayat Samity had made the construction, but the work was being implemented by the Zilla Parishad under the Pradhan Mantri Gram Sadak Yojana.

The Block Development Officer, Pingla was of the view that the contractor must be called for a meeting to explain such allegation.

As the Block Development Officer, Pingla has already taken cognizance of the complaint of the petitioners, nothing further remains to be decided in this writ petition but the Block Development Officer, Pingla is directed to dispose of the proceeding, already initiated, in accordance with law, on the basis of his order dated November 15, 2018.

The petitioners, contractors, representatives of Gram Panchayat and Panchayat Samity, Zilla Parishad as the case may be, shall be heard.

A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This Court is of the view that the authorities are not entitled to use private lands of the petitioners for construction of any developmental project or public project without obtaining consent or acquiring the same as per law or by outright purchase. If it transpires on enquiry that the allegations of the petitioner are correct, steps shall be taken thereafter, in accordance with law, by the appropriate 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 server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)