

12.05.2022
Sl. No.3
srm

W.P.A. No. 8223 of 2022

Udday Kumar Dhak

Versus

The State of West Bengal & Ors.

Mr. Dipankar Pal,
Mr. Joy Chakraborty

...for the Petitioner.

Ms. Manjuli Chaudhuri,
Ms. Mekhla Sinha

...for the Howrah Zilla Parishad.

Mr. Manas Kundu,
Md. Mansoor Alam

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges that the Pradhan of Maju Gram Panchayat, District-Howrah, had issued a work order for construction of a drain which allegedly encroaches into the private land of the petitioner. The land is situated at LR Dag Nos.460 and 461 pertaining to LR Khatian No.1353, J.L. No.34, Mouza-Uttar Maju, District-Howrah.

Despite service the Pradhan is not represented.

The learned Advocate for the State-respondents is unable to apprise the Court with regard to the allegations made in the writ petition.

The petitioner is directed to make a composite complaint before the Block Development Officer, Burwan Development Block, Murshidabad, ventilating his grievances. If such application is made, the concerned Block Development Officer shall cause a demarcation of the land of the petitioner by comparing the title deeds and documents of the petitioner with the records maintained in the office of the concerned Block Land and Land Reforms Officer and the mouza maps. The measurement/demarcation shall be made in the presence of all the parties including the representatives of the panchayat authorities. Such measurement shall be made by the Amin. The concerned Block Land and Land Reforms Officer shall render all assistance in respect of such demarcation.

A report of such measurement shall be prepared and supplied to the petitioner. If it is found that a portion of the land of the petitioner is encroached upon, in that case, the panchayat authorities shall be restrained from constructing the drain to the extent of encroachment upon the petitioner's land till the issue is decided by the respondents as to how the petitioner will be compensated either by way of purchase or acquisition.

Needless to mention that the respondents may also negotiate with the petitioner in terms of Section 44 of the West Bengal Panchayat Act, 1973, for the said land.

The representation shall be made by the petitioner within a period of one week from date and the concerned Block Development Officer shall dispose of the representation of the petitioner within a period of one month from the date of submission of the application. If it is found that the construction is not over the land of the petitioner then such fact shall be reflected in the report.

Till such decision is made the construction shall continue except over Dag Nos.420 and 421.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)