

ML167
26.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 9783 of 2021

**Diptirani Khanra
-versus
The State of West Bengal & Ors.**

**Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak.
...For the Petitioner.**

**Mr. Chandi Charan De,
Mr. Anirban Sarkar.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Pradhan, Nalikul Purba Gram Panchayat in spite of service.

The petitioner prays for implementation of the order passed by the Block Development Officer, Haripal Development Block on 24th February, 2020 in compliance of the direction passed by this Court on 6th January, 2020 in W.P. 13402 (W) of 2019.

The Block Development Officer after hearing the submissions made on behalf of all the parties was of the opinion that the concrete road covering area of 165 sq.ft. was constructed over the petitioner's Plot No. 1493 without her prior permission.

The Block Development Officer directed the Pradhan, Nalikul Purba Gram Panchayat to restore Plot No. 1493 covering area 165 sq.ft. as shown in sketch map.

The petitioner complains that the same has not been done till date.

As it appears that the matter was already considered in compliance of the order passed by this Court and decision has been taken by the Block Development Officer that the construction was made without obtaining the prior permission of the petitioner, accordingly, it is incumbent for the Block Development Officer to ensure that the order passed on 24th February, 2020 is complied with by the Pradhan of the Gram Panchayat.

The Block Development Officer is to ensure that the road which was constructed over the plot of land of the petitioner is restored to her immediately.

In view of the above, the instant writ petition is disposed of by directing the Block Development Officer, Haripal Development Block, Hooghly to take steps to execute the direction passed in the order dated 24th February, 2020.

In the event it appears that the portion that has been encroached for the construction of the road cannot be restored to the petitioner and the said portion of the land will be required for public purpose, then necessary steps shall be taken by the concerned authority for acquiring the said land in accordance with law.

Steps shall be taken at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The petitioner is directed to forward a copy of the order dated 24th February, 2020 passed by the Block Development Officer and the representation filed by the petitioner on 10th March, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)