

09.11.2022

WPA(P) 197 of 2021

**Majibar Sekh
Vs.
The State of West Bengal & Ors.**

Mr. Debajyoti Deb
Mr. Somdyuti Parekh

... .. for the petitioner

Mr. Samrat Sen, AAAG
Mr. Anirban Ray, GP
Mr. T.M. Siddiqui, AGP
Mr. N. Chatterjee

... .. for the State

Affidavit-in-reply filed by the petitioner is taken on record.

The allegation of the petitioner in this public interest petition is that the State Government is widening the Basanti Highway which stretches from Kolkata to Gosaba and the road passes through Bhagonkhali Mouza of Basanti. The further allegation of the petitioner is that in the process of widening of the road the State authorities are encroaching upon the private land of the villagers and constructing road thereupon without payment of compensation.

Learned counsel for the State has fairly stated that without acquiring the land the work of widening of road will not be done.

The report in the form of affidavit has been filed on behalf of the respondent nos.2 and 3, i.e., Chief Engineer (HQ), Public Works Directorate and Superintending

Engineer, Southern Highway Circle, P.W. (Roads)

Directorate clearly stating that

“3.(iii) During implementation of the said project it had come to the notice that ROW (Required land for widening) at Mouza Bhangunkhali, J.L. No.68 under Basanti P.S. for the stretch 74.10 km to 75.90 km of Kolkata-Basanti Road was not available in this regard a communication dated 16th July, 2021, was received from the office of the Special Land Acquisition Officer, South 24-Parganas stating that LA case No LA II/106 of 1975/76 of Bhangunkhali Mouza was not initiated and as such the question of land acquisition relating to the said LA case does not arise.

(iv) In terms of the said letter dated 16th July, 2021, the respondents did not take up any road widening activities at the entire Bhangunkhali mouza from 74.10 km to 75.90 km along the existing alignment of Kolkata-Basanti Road and has kept the road widening works suspended at Mouza – Bhangunkhali, under Basanti P.S. from 74.10 km to 75.90 km along the existing alignment of Kolkata-Basanti Road. The respondent authorities has not encroached any plot of land till date for carrying on the said work, i.e., widening of Kolkata-Basanti-Godkhali Road, particularly at Bhangunkhali Mouza, under P.S. Basanti.

(v) The statutory authorities have made a survey of the entire stretch of Bhangunkhali Mouza for 74.10 km to 75.90 km along the existing alignment of Kolkata-Basanti Road. PWD has initiated the process for direct land purchase proposal on January 13, 2022, in connection with the Widening & Strengthening of Kolkata-Basanti-Godkhali Road (SH-3A) for a quantum of 7.0057 acres land at Mouza- Bhangunkhali, P.S.:Basanti as per guidelines of L & LR Department's G.O. No. 3145-LP, dated 24.11.2014.

4.(i) It is most humbly submitted that the respondents as are duty bound to act in accordance with law will ensure that appropriate steps are taken for direct purchase of lands for a quantum of 7.0057 acres land at Mouza- Bhangunkhali, P.S.: Basanti which fall within the stretch of Bhangunkhali Mouza for 74.10 km to 75.90 km along with existing alignment of Kolkata-Basanti Road and till such time the project shall remain suspended for the stretch of Bhangunkhali Mouza for 74.10 km to 75.90 km along the existing alignment of Kolkata-Basanti Road, as such the question of encroachment and/or depriving the lawful owners does not even arise.”

The aforesaid affidavit adequately takes care of the grievance of the petitioner.

That apart, no details of any particular villager or the land have been disclosed by the petitioner wherein road widening work has been done by the State authorities without payment of compensation.

Hence, in the aforesaid circumstances of the case no further direction is required. Accordingly, the petition is disposed of taking on record the stand of the State.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)