

S/L 25
06.09.2022
Court. No. 19
GB

W.P.A. 11912 of 2021

Mostafa Mondal
VS
The State of West Bengal & Ors.

Mr. Keshab Chandra Das,
Mr. Biplab Adak.

...for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Jiaul Haque.

...for the State.

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

The petitioner alleges that the Hooghly Zilla Parishad has been constructing a road over the land of the petitioner which is situated within the territorial jurisdiction of the Haripal Development Block.

The petitioner contends that on April 12, 2021 some strangers were measuring the land. On query, the petitioner was informed that the Hooghly Zilla Parishad was going to construct a road from Madanmohanpur to Chalktho. The petitioner alleges that the layout which was also shown to the petitioner during such measurement, indicated that the land of the petitioner would be encroached. The petitioner submits that unless the land is either acquired or purchased, the authority should not be permitted to construct over the land of the petitioner.

Under such circumstances, the petitioner is granted liberty to approach the District Magistrate, Hooghly with his allegation. If such representation is made, the same shall be disposed of in accordance with law upon giving an

opportunity of hearing to the petitioner, the Hooghly Zilla Parishad, the Gram Panchayat authorities and the Block Development Officer of Haripal Development Block. An inspection shall be made in presence of all the parties, for demarcation of the petitioner's land. Report of such inspection shall be supplied to all the parties. The parties will be entitled to file their objections/written versions to the said report. Thereafter, a reasoned order shall be passed upon considering all aspects.

If it is found that the allegation of the petitioner is correct, then necessary order shall be passed to compensate the petitioner to the extent of use of his land. If the allegation of the petitioner is found to be incorrect, reasons shall be disclosed in the order. The construction of the road, insofar as it relates to the land of the petitioner, if at all, shall abide by the final decision of the District Magistrate, Hooghly.

This Court has not gone into the merits of the claims and counter-claims of the parties. The entire issue shall be decided by the concerned authority independently.

The entire exercise shall be completed within a period of four months from the date of receipt of the representation.

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 the learned advocates' communication.

(Shampa Sarkar, J.)