

22.03.2022
Sl. No. 26
ss

W.P.A. 13066 of 2021

Asim Kumar Dhara & anr.

Vs.

The State of West Bengal & ors.

Mr. Saibal Kr. Acharyya

Mr. Aninda Bhattacharya

Mr. K. P. Santra

... for the petitioners

Mr. Uttam Kumar Bhattacharya

... for the respondent no.2

Mr. Susanta Pal

... for the State

The allegation of the petitioners is inaction on the part of the Purba Medinipur Zilla Parishad in disposing of the complaint of the petitioners, alleging construction of a road under a project of the Santipur No.2 Gram Panchayat.

It is further submitted that there was a proposal for construction of a concrete road over a portion of land belonging to the petitioners, situated at Dag Nos.1, 2 and 7 of Mouza Burari pertaining to Khatian No.802 and 872, J.L. No.20, Police Station Kolaghat, District Purba Medinipur. According to the petitioners, the land cannot be taken away. The same had to be either acquired or purchased by the authorities.

The petitioners approached the Purba Medinipur Zilla Parishad seeking intervention in the matter by filing a representation dated February 5, 2020. The

concerned Block Development Officer as also the Pradhan of the concerned Gram Panchayat were also approached. The authorities did not pay any heed to such representation. Thereafter, a demand of justice was issued on February 20, 2020, by the learned Advocate for the petitioners.

It appears that the petitioners were also willing to donate some part of the land for construction of 5 links out of 10 links.

Under such circumstances, although the writ petition is based on an apprehension, the contents of the demand of justice persuades this Court to issue a direction upon the Additional Executive Officer of the Purba Medinipur Zilla Parishad to dispose of the demand of justice dated February 20, 2020 in accordance with law upon hearing the petitioners and/or the petitioners' representative as also a representative of Santipur No.2 Gram Panchayat. If necessary, an inspection shall be held of the area in question. A demarcation of the land of the petitioners by comparison of the same with the title deeds and the land records shall be made. Upon such demarcation, the project may continue leaving aside the petitioners' land. If the authorities find that a portion of the land would be required, in that case the authorities shall proceed according to law. The offer of the petitioners with regard to permitting 5 links on the land in

question shall also be considered by the authorities. The authorities may take help from the office of the Block Land and Land Reforms Officer, for conducting such measurement and demarcation.

This Court has not gone into the merits of the claims of the petitioners.

The entire issue is to be decided by the Purba Medinipur Zilla Parishad and communicated to the petitioners. The entire exercise shall be completed within a period of two months from the date of communication of this order.

The petitioners will serve a copy of the writ petition along with the server copy of this order upon the Additional District Magistrate and Additional Executive Officer of the Purba Medinipur Zilla Parishad.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)