

09.09.2022
Court No. 19
Item no.5 (DL)
CP

W.P.A. No. 13943 of 2021

Ali Hosen Mullick & ors.

Vs.

The Principal Secretary, Panchayat
Department & Ors.

Mr. Bhagbat Chaudhuri
....for the petitioners.

Mr. Raja Saha
Mr. Amit Kr. Ghosh
...for the State.

Affidavit of service is taken on record.

The petitioners submit that for implementation of a project under the Integrated Child Development Services (ICDS), a portion of the land of the petitioner is being utilized by the respondents. The petitioners contend that they are not opposed to such construction, provided they are adequately compensated either in terms of money or by allotment of an alternative land, elsewhere.

It appears that the petitioners had approached the authorities with such prayer. The representation dated August 12, 2022 has been annexed to this writ petition. It is submitted that the authorities have not yet disposed of the said representation.

Under such circumstances, this writ petition is disposed of with a direction upon the Block Development Officer, Jagatballavpur to dispose of the representation of the petitioner no. 1, dated August 12, 2020, in accordance with law.

If it is found that the petitioners are the owners upon assessment of the land records and the petitioners' title deed etc., the authorities shall proceed in accordance with law by compensating the petitioners either monetarily or by giving alternative plot whichever is permissible under the law.

This court has not decided the merit of the claim of the petitioners. All the issues shall be decided independently.

Upon making an inspection and by consulting the necessary documents and after hearing the petitioners, a reasoned order shall be passed and communicated to all concerned. Steps shall be taken in accordance with law.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the concerned Block Development Officer, for necessary compliance of this order.

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 server copy of this order.

(Shampa Sarkar, J.)