

S/L 20
09.09.2022
Court. No. 19
GB

W.P.A. 15022 of 2021

Sri Akshay Kumar Maity @ Akshay Maity & Ors.
VS
The State of West Bengal & Ors.

Mr. Satyajit Mandal,
Mr. Amit Bikram Mahata,
Mr. Shouvik Naskar.

...for the Petitioners.

Ms. Sima Adhikari,
Mr. Kapil Guha.

...for the State.

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

The petitioners claim to be part owners of Plot Nos.1586, 1587 and 1587/2475 of Mouza-Krishnanagar, pertaining to Khatian No.1460. It is the contention of the petitioners that the authorities of Guraberia-II Gram Panchayat have been trying to construct a drain through the land of the petitioners, without acquiring the same. The petitioners submit that no consent was taken for such construction. It is submitted that Section 44 of the West Bengal Panchayat Act, 1973 has been violated.

Without going into the merits of the claims of the petitioners and the without considering the factual aspects, involved in the writ petition, the writ petition is disposed of with liberty to the petitioners to approach the District Magistrate, Purba Medinipur with a detailed objection. If such objection is filed, the same shall be disposed of in accordance with law. An enquiry shall be held and steps shall be taken for demarcation of the land of the petitioners on the basis of the documents filed by the petitioners and also on

the land records, available with the authorities. The concerned Block Land and Land Reforms Officer, shall take necessary steps on the direction of the District Magistrate, Purba Medinipur for causing demarcation, with the help of an 'Amin'. A hearing shall be given to the petitioners and the panchayat authorities. Upon completion of the demarcation, a reasoned order shall be passed and communicated to all concerned. If the allegations of the petitioners are found to be correct, then necessary steps shall be taken to compensate the petitioners in accordance with law. If it is found ultimately, that a construction had already been made on the land of the petitioners, then such construction shall abide by the final decision of the District Magistrate.

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