

S/L 32
22.09.2022
Court. No. 19
GB

W.P.A. 14198 of 2022

Subir Roy
VS
The State of West Bengal & Ors.

*Mr. Uttiya Roy,
Mr. Arnab Mandal.*

...for the Petitioner.

*Mr. Suman Sengupta,
Ms. Munmun Tewary.*

...for the State.

*Mr. Soumik Ganguli,
Ms. Ankita Pradhan.*

...for the Respondent No.6.

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

The writ petition involves disputed questions of facts, which cannot be determined by this Court. While the petitioner alleges that the construction of a road by the Bankura Zilla Parishad has been made on Plot No.3257 of Mouza Nadiha pertaining to Khatian No.1215, J.L. No.92, P.S.-Coke Oven, District Paschim Bardhaman, the Block Land and Land Reforms Officer, Faridpur-Durgapur (Additional) Paschim Bardhaman, has filed a report, from which it appears that the construction was not on Plot No.3257.

Under such circumstances, the writ petition is disposed of granting liberty to the petitioner to approach the District Magistrate and Collector, Paschim Bardhaman with his allegations. If such approach is made, the same shall be disposed of in accordance with law. The District Magistrate, Paschim Bardhaman shall cause a joint inspection with the

assistance of the concerned Block Land and Land Reforms Officer, the authorities of Bankura Zilla Parishad and with notice to the petitioner. Once such inspection is made, the report shall be supplied to the petitioner. The petitioner shall be at liberty to answer to the report and make his submission before the District Magistrate and Collector, Paschim Bardhaman. The District Magistrate, Paschim Bardhaman shall pass necessary orders in this regard. If the allegations are proved to be incorrect, such reasons shall be assigned by the concerned authority. If it transpires that the allegation of the petitioner is correct, then the issue shall be referred to the District Magistrate and Collector, Bankura for necessary action to compensate the petitioner in terms of Section 44 of the West Bengal Panchayat Act, 1973, as the road has been constructed by the Bankura Zilla Parishad and they would be the authorities, who had utilized the land of the petitioner.

This court has not gone into the merits of the claims of the petitioner especially because the report of the Block Land and Land Reforms Officer indicates that the construction is not on the land of the petitioner. The petitioner shall be heard at every stage.

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

As no affidavits have been called for, the allegations are deemed to be denied.

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.)