

08.02.2022
Court No. 19
Item no.10
CP

WPA 14842 of 2021

Ganesh Chandra Biswash
Vs.
The State of West Bengal & ors.

Mr. Radhasyam Maiti
Mr. Manoranjan Jana
....for the petitioner.

Ms. Sipra Majumder
Mr. Swapan Kr. Pal
....for the State respondents.

The writ petitioner claims to be the owner of Plot No. 3868, measuring 7 decimals in Mouza – Kalinagar, pertaining to Khatian No. 4952. According to the petitioner, the said land is a ‘Bastu’ land and is being used for residential purpose. It is submitted that along the said land there exists a village pathway which, according to the petitioner, is privately owned by him. The allegation is that the panchayat authorities are forcefully entering into the said pathway and into the land of the petitioner for the purpose of constructing a concrete road. The petitioner has lodged complaints before the authorities but no steps have yet been taken against the highhanded action of the panchayat authorities.

The averments in the writ petition are contrary to what has been submitted from the bar. It has been averred that Sri Sri Ramkrishna Gram Panchayat

had taken a decision to develop an existing panchayat road adjacent to the pathway of the petitioner, and the petitioner apprehends that while undertaking the project of widening the said panchayat road, the land of the petitioner may be forcefully taken away by the panchayat authorities.

This court does not intend to get into the factual disputes which have emerged from the writ petition. The petitioner is at liberty to file a complaint before the respondent no. 2, i.e., the District Magistrate, South 24 Parganas.

The said respondent shall enquire into the matter and hear out the parties including the Block Development Officer and the officials of the Sri Sri Ramkrishna Gram Panchayat. Upon completion of the enquiry and hearing, a reasoned order shall be passed and communicated to the parties.

If the authority finds that the apprehension of the petitioner is correct, then corrective measures shall be taken. The land of the petitioner cannot be forcefully taken away by anyone, even the panchayat authorities. However, if there appears to be a private dispute, the petitioner's remedy will be in a civil suit.

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

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)