

09.09.2022
Court No. 19
Item no.29 (DL)
CP

W.P.A. No. 15100 of 2021

Shri Sajal Biswas & anr.

Vs.

The State of West Bengal & Ors.

Mr. Chirantan Sarkar

....for the petitioners.

Mr. Jahar Lal De

Ms. Benazir Ahmed

...for the State.

Affidavit of service is taken on record.

The petitioners allege that the Jirat Gram Panchayat has constructed a drain through the land of the petitioners, situated at Plot No. 598 measuring about 17 decimals pertaining to L.R. Khatian No. 2043 in Mouza – Hasimpur. It is the contention of the petitioners that the said land has been classified as 'sali'. According to the petitioner, no consent was given to the panchayat authorities for such construction. Violation of Section 44 of the West Bengal Panchayat Act, 1973 has been alleged.

It appears that the Block Land & Land Reforms Officer had been directed by a coordinate Bench in another proceeding, to enquire into the matter. The Block Land & Land Reforms Officer could not come

to a conclusion about the allegation of encroachment.

Be that as it may, this court is of the view that the petitioners must approach the District Magistrate, Hooghly, with their allegations. The District Magistrate shall make an enquiry/investigation for demarcation of the land of the petitioners with the help of the necessary documents.

If it is found that the claim of ownership of the petitioners are correct, steps shall be taken to compensate the petitioners in accordance with law. On the other hand, if the claim of the petitioners are found to be incorrect, reasons shall be informed to the petitioners by the concerned authority.

An inspection shall be made in the presence of the petitioners. A report of such inspection shall be prepared. A copy of the same shall be supplied to the petitioners. Signature of the petitioners shall be obtained on the report in order to be sure that the petitioners were aware of the facts which transpired during such investigation. A reasoned order shall be passed upon hearing all concerned.

This court has not decided the claim of the petitioners on merits.

The entire exercise shall be completed within a period of six 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.)