

4.01.2022
Court No. 19
Item no.8
sn

WPA 15673 of 2021

Subankar Mandal
Vs.
The State of West Bengal & ors.

Mr. Shahan Shah
....for the petitioner

Mr. Vivek Jyoti Basu
Mr. Subrata Ghosh
....for the State.

Mr. Basu, learned advocate for the State respondents submits that two reports have been supplied to him, one by the local police and the other by the Block Development Officer, Nowda Development Block. From the report of the police authorities, it transpires that a building was being constructed on the particular land being plot no.2131, Mouza Chandpur, J.L. No.38, P.S. Nowda, District Murshidabad. According to the report filed by the Block Development Officer, Nowda Development Block, the Upa Pradhan informed the Block Development Officer that the construction existed on plot no.2131 and possession of the said plot had been with the panchayat authorities since 1985.

According to the petitioner, the panchayat authorities have forcefully taken over physical possession of the land without paying any compensation to the petitioner and without acquiring

the same. Such action of the panchayat authorities is unlawful unless the records prove otherwise. An examination is necessary in the matter.

There are three methods by which the panchayat authorities could have come in possession of the said land. One, on the basis of consent/permission given by the petitioner second, on the basis of acquisition of the plot upon payment of compensation and third by purchase. Neither of the reports clarify such position.

Under such circumstances, this writ petition is disposed of with a direction upon the District Magistrate/Collector, Murshidabad to treat the writ petition as a representation and dispose of the same in accordance with law. If it is found that the petitioner's allegations are correct then steps shall be taken by the authorities to ensure that the petitioner is either compensated in accordance with law or the plot of land is restored in favour of the petitioner. However, if it is found that the petitioner's grievance is not correct and there are disputes with regard to the title, possession or if the petitioner had permitted the panchayat authorities to use the said land or had sold the same to the panchayat authorities then a reasoned order will be passed and intimated to the petitioner. In course of the enquiry and disposal of the writ petition, the petitioner, the panchayat

authorities of Chandpur Gram Panchayat and the Block Development Officer, Nowda Development Block shall be given a hearing. If necessary, the land may be surveyed and measured by the authorities with the help of an Amin from the office of the Block Land & Land Reforms Officer.

The District Magistrate shall ensure that no unlawful activities is carried on by the panchayat authorities.

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

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)