

19.09.2022  
Sl. No.35(DL)  
srm

**W.P.A. No. 19554 of 2021**  
**Krishnendu Bhowmick & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Mridul Kanti Sasmal  
....for the Petitioners.

Mr. Lalit Mohan Mahata,  
Mr. Rudranil De  
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioners pray for a mandamus upon the authorities to allow the construction of a fencing as per the survey report of a registered surveyor. According to the petitioners, the panchayat authorities have been objecting to the petitioner's fencing work. The petitioners allege encroachment on the petitioners' land and illegal and wrongful restraint by the authorities in the petitioners' enjoyment of the land in question.

The survey report, annexed to the writ petition, indicates that a private surveyor, engaged by the petitioners, has demarcated the land. However, the allegations are serious and against the respondent authorities. Thus, this Court deems it fit that the Sub-

Divisional Officer, Kharagpur Sub-Division be directed to dispose of the representation of the petitioner No.1, which appears at page 36 of the writ petition, in accordance with law and upon hearing the petitioners as also the petitioners' surveyor and the authorities of the concerned gram panchayat.

A physical demarcation of the land of the petitioners shall be made by the sub-divisional office with the assistance of the Block Land and Land Reforms Officer, Alishgarh, Debra, Paschim Medinipur. An Amin shall be deployed. The documents of title of the petitioners and the land records and other documents including the mouza map shall be referred to, during such demarcation. The parties shall participate in the demarcation process. The report of such demarcation shall be supplied to the parties. A reasoned order shall be passed and communicated to all the parties. If the allegation of the petitioners is found to be correct, in that case, the authorities shall devise a mechanism for compensating the petitioners in accordance with law for use of the petitioners' land. If it is found that the allegation of the petitioners is not correct and the land of the petitioners is not being utilized for construction of the road, then the authorities shall communicate the same to the petitioners. If any construction is made in the

meantime, the same shall abide by the decision of authority concerned.

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

A copy of the writ petition along with a server copy of this order be served upon the Sub-Divisional Officer, Kharagpur Sub-Division for necessary compliance.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

**(Shampa Sarkar, J.)**