

23.03.2022

Sl. No. 25

ss

W.P.A. 19729 of 2021

Sukumar Maity & anr.

Vs.

The State of West Bengal & ors.

Mr. Debasish Roy
Mr. Kallol Kr. Maity

... for the petitioners

Ms. Sipra Majumdar
Ms. Prativa Ghatak

... for the State

The allegation is that the authorities of Argoal Gram Panchayat have forcefully entered into a portion of the lands of the petitioners, bearing L.R. Plot No.29/1360 and L.R. Plot No.30 of Mouja Satsatamal, J.L. No.289 pertaining to Khatian No.862. Such lands are allegedly recorded in the name of the erstwhile owners, through whom the petitioners claim title.

It is submitted that unless the said lands are either acquired and/or purchased from the petitioners, the construction of the concrete road over such land, was not permitted by law.

Learned Advocate for the State-respondents submits a statement from the Block Development Officer, from which it appears that the concrete road had been constructed over the existing 'moram' road, by leaving at least 2 to 3 feet gap from the boundary

wall of the petitioners. The land of the petitioners was also demarcated.

Thus, this Court does not find any reason to retain the writ petition for further determination in view of the report filed by the Block Development Officer, Pataspur-II Development Block.

However, when such enquiry was made by the concerned Block Development Officer, the petitioners were not represented.

Under such circumstances, this writ petition is disposed of with a direction upon the Block Development Officer, Patashpur-II Development Block to cause an inspection of the premises in the presence of the petitioners and the representatives of the Patashpur-II Gram Panchayat. By making such demarcation and upon taking measurements, a decision shall be recorded. The land records, the title deeds of the petitioners and the *mouza* map shall be compared at the time of such demarcation and measurement. Help of the *Amin* from the office of the Block Land and Land Reforms Officer, shall be taken during such demarcation.

This Court has not decided the merits of the claims and counter-claims of the parties.

A reasoned decision shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the

proceeding shall be reached to its logical conclusion, in terms of the statute.

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

The instructions of the Block Development Officer, Patashpur-II Development Block is taken on record.

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

(Shampa Sarkar, J.)