

22.11.2022
Sl. No.204(ML)
srm

W.P.A. No. 19263 of 2019
Sisir Krishna Goswami & Anr.
Versus
The State of West Bengal & Ors.

Mr. Subhendu Bhattachajee,
Mr. Raj Kumar Sain

....for the Petitioners.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondents.

The petitioners allege that the Pradhan of Tatla-II Gram Panchayat, had illegally encroached upon the land of the petitioners and constructed a public road.

Reference is made to Section 44 of the West Bengal Panchayat Act, 1973. The Petitioners submit that if the gram panchayat required the land for carrying out any developmental work, it should have either negotiated with the petitioners or proceeded for an acquisition. The specific case of the petitioners is that without either purchasing the land or without acquiring the same, the authorities could not have constructed a public road on the land of the petitioners.

This Court is not inclined to enter into the disputed questions of fact in order to analyse the genuineness of the petitioners' claim.

The writ petition is disposed of with a direction upon the Block Development Officer, Chakdah Block, District-Nadia to treat the writ petition as a representation of the petitioners and dispose of the same upon granting an opportunity of hearing to the petitioners, as also to an authorized representative of the Tatla-II Gram Panchayat, District-Nadia. A reasoned order shall be passed and communicated to the parties.

Before the matter is disposed of, an inspection of Dag No.210 pertaining to Khatian No.973 of mouza Chatimtala, District-Nadia shall be held. Whether any public road was constructed over the land of the petitioners, can be ascertained only upon demarcation of the land in question. The demarcation shall be made by the Amin of the concerned Block Land and Land Reforms Office with reference to the land records, mouza map and other available documents in possession of the petitioners. A report along with a sketch map shall be prepared and handed over to the parties.

Upon such demarcation being made, if it is found that the allegation of the petitioners is correct, then steps shall be taken to compensate the petitioners in accordance with law. If the allegation of the petitioners is found to be incorrect, such reason shall be assigned in the order to be passed by the

concerned Block Development Officer. The decision shall be communicated to the parties.

The entire exercise shall be completed within a period of three 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 basis of the server copy of this order.

(Shampa Sarkar, J.)