

List dt.6.6.22
Item No. 152
14.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 19941 of 2019

**Tejendra Nath Biswas
-versus
The State of West Bengal & Ors.**

**Mr. Debajyoti Deb,
Mr. Sanjoy Kumar Das.
...For the Petitioner.**

**Mr. Raja Saha,
Mr. Amit Kumar Ghosh.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges that the Block Development Officer is taking steps for construction of a walkable brick road over the private property of the petitioner at Hal Khatian No. 369, Hal Khatian No. 568 under Dag No. 1728, 1731, 1777/4038, 1628, 1629, 1622 under Mouza Sonakhali, J.L. No. 134 under Police Station Basanti, District-South 24 Parganas.

The petitioner immediately raised objection before the Panchayat Pradhan and also before the Block Development Officer.

On receipt of the representation from the petitioner, the Pradhan sought for necessary

information from the Nirman Sahayak by a communication dated 23rd March, 2018.

The petitioner is not aware as to whether any reply was given to the said letter by the Nirman Sahayak.

The petitioner alleges that time and again men and agents from the office of the Block Development Officer are coming to the plot in question for making construction thereon.

The representation filed by the petitioner before the Block Development Officer on 21st January, 2019 followed by a reminder on 7th May, 2019 has not been considered by the respondent authority till date.

Learned advocate appearing for the State respondents does not have any instruction in the matter.

None appears on behalf of the Pradhan of the Gram Panchayat.

The present writ petition is accordingly, disposed of by directing the Block Development Officer to consider and dispose of the representation filed by the petitioner strictly in accordance with law, after giving an opportunity of hearing to the petitioner as well as the representative of the Gram Panchayat within a period of three months from the date of communication of a copy of this order and pass a reasoned order in the matter and communicate the same to all the necessary parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representations dated 21st January, 2019 and 7th May, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The Block Development Officer shall ensure that no step for construction over the said land is undertaken prior to the issue being finally decided by the aforesaid respondent.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)