

27.09.2022
Sl. No.18(DL)
srm

W.P.A. No. 22191 of 2022
Banya Chowdhury
Vs.
The State of West Bengal & ors.

Syed Shamsul Arefin
.....for the Petitioner.

Ms. Sweta Mukherjee,
Mr. Ratul Das
.....for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner claims that her late husband was the owner of Plot No.2739 measuring about 12 decimals in mouza Aruar, District-Purba Burdwan. The petitioner submits that the authority of Aruar Gram Panchayat constructed a building on the said plot, without any acquisition and without making any payment.

The petitioner claims to be a co-sharer in respect of the plot in question. This writ petition has been filed for compensation.

The disputed questions, which have been raised by the petitioner, cannot be decided in this writ petition. Whether the petitioner has a right over the alleged plot of land, whether such land was ever utilized for construction

of any project or building by the gram panchayat and whether any acquisition had taken place, are issues to be decided on the basis of records.

This writ petition is disposed of, with liberty to the petitioner to approach the Block Development Officer, Bhatar Development Block with her grievances. If the Block Development Officer finds that necessary demarcations are required to be made in order to assess whether any portion of the land of the petitioner and her co-sharers have been encroached upon by the panchayat authorities, then the assistance from the concerned Block Land and Land Reforms Officer shall be taken for the purpose of demarcation and measurement. Such demarcation shall be made with notice to all. A report shall be prepared and submitted to all. Thereafter, on the basis of such report and upon hearing the petitioner, other co-sharers, the Pradhan of the concerned gram panchayat, a reasoned order shall be passed and communicated to all. If it is found that the allegations of the petitioner are correct, necessary steps shall be taken in accordance with law by taking note of Section 44 of the West Bengal Panchayat Act, 1973. If the allegations of the petitioner are found to be incorrect, then such reason shall be assigned in the reasoned order.

The claims of the petitioner has not been decided.

The entire exercise shall be completed within a period of four months from the date of receipt of the petitioner's representation.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the Block Development Officer, Bhatar Development Block, Purba Burdwan.

This order shall not be construed as an observation of the Court either on the correctness of the statements made by the petitioner or on the exclusive right of the petitioner to claim the compensation.

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.)