

S/L 31
09.11.2022
Court. No. 19
GB

W.P.A. 23001 of 2022

Gobinda Chandra Dutta
VS
The State of West Bengal & Ors.

Mr. Sabyasachi Hazra.

...for the Petitioner.

*Mrs. Jhuma Chakraborty,
Mr. Aritra Ghosh.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent no.8. This Court is not inclined to pass any mandatory direction as prayed for by the writ petitioner, but is relegating the entire issue to be determined by the concerned authority. Thus, the matter is taken up in his absence. The Block Development officer, Dhaniakhali, shall dispose of the representation of the petitioner in accordance with law, upon giving an opportunity of hearing to the petitioner, the panchayat authorities as also the respondent no.8.

The allegation of the petitioner is that there is a construction on a public road, maintained by the Parambua Sahabazar Gram Panchayat.

The Block Development Officer shall enquire into the matter upon making an inspection of the land in question. Such inspection shall be made in the presence of the petitioner and the panchayat authorities. The assistance of the concerned Block Land and Land Reforms Officer shall be

taken. Demarcation shall be made upon considering the land records as also the mouza map, etc. A report of such inspection shall be supplied to the parties.

If any encroachment on a public land or a public road is detected, then the matter shall be referred to the competent authority under the applicable law for necessary action. If the competent authority finds any encroachment, the same shall be removed in accordance with law.

In either case, a reasoned order shall be passed and communicated to the petitioner.

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

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)