

12.12.2022
Sl.No.19
Ct.19
sn

WPA 26300 of 2022

**Ganesh Khan
Vs.
The State of West Bengal & Ors.**

**Mr. Malay Bhattacharyya
Ms. Sudipa Sengupta
..for the petitioner**

**Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
..for the State**

The petitioner alleges that the respondent no. 7 with the encouragement from the panchayat authorities, had destroyed his potato saplings. The petitioner further alleges that the Kotulpur Panchayat Samiti had issued a notice to the petitioner and some others, calling them for a meeting to be held on November 10, 2022. The said meeting was convened to discuss the issue of construction of a road from “Muidara Battala to Panahar”.

According to the petitioner, the authorities could not start the construction without either acquiring the land of the petitioner or without compensating the petitioner in accordance with law.

The dispute is with regard to LR plot no. 629 of mouza Muidara.

The police report indicates that there has been a long standing dispute between the petitioner and the owners of the neighbouring lands. It appears

that a path way was used by all the cultivators. The petitioner objected to such user and the authorities decided to resolve the dispute.

This Court is of the view that the allegation against the respondent no.7 with regard to the destruction of the potato saplings, cannot be decided by the Writ Court.

It appears that the petitioner has filed M.P.Case No. 129 of 2022 before the learned Sub Divisional Executive Magistrate against the respondent no.7, the Pradhan of the concerned Gram Panchayat and the concerned Block Development Officer. The learned Sub Divisional Executive Magistrate asked the police authorities to file a report and to maintain peace and tranquillity. A prosecution under Section 107 of the Code of Criminal Procedure was submitted before the concerned Court against both the petitioner and the respondent no.7. The police apprehended breach of peace. Thus the enquiry by the police has already been made and steps have been taken.

However, if the authorities propose to construct a road over the land of the petitioner or other private individuals, the same shall be constructed in accordance with law and upon compensating the owners of the said land over which the alleged road is proposed to be constructed. There

is nothing on record to show as to whether the proposed road would at all go through the land of the petitioner.

This Court has not gone into the merits of the allegations.

The private dispute with regard to the use of the land between the petitioner and other villagers, shall be decided by a civil court.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)