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08.07.2022
d.p.

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

W.P.A. 7953 of 2020

**Utpal Maity
-versus
The State of West Bengal & Ors.**

**Mr. Raj Kumar Sain,
Mr. Sukhendu Banerjee.
...For the Petitioner.**

**Mr. Chandi Charan De,
Mr. Sajhan Kumar Haldar,
Ms. Chandana Ghosh.
...For the Respondents.**

The District Panchayat and Rural Development Officer, Tamluk, Purba Medinipur is personally present in Court.

Report in the form of affidavit filed in Court today be taken on record.

The report mentions that there is a narrow 5ft. concrete road (Paka Path) along the Western embankment of Plot No. 1940 which is classified as Pukur and there are six co-sharers in respect of the said plot including the petitioner.

As regards the Plot Nos. 1941 and 1942, it has been mentioned that there is no road running over the said plot of land.

It has been submitted by the learned advocate appearing for the respondents that in the event a comprehensive representation is made by the petitioner along with supporting documents, the same would be taken up for consideration and if it appears that the road has been constructed over the private land of the petitioner, then steps shall be taken for payment of compensation for the same.

The petitioner has annexed a copy of the representation dated 18th August, 2020 addressed to the District Magistrate, Purba Medinipur, Block Development Officer, Mahishadal and the Pradhan, Natshal-I Gram Panchayat praying for removal of the illegal and unauthorized construction of the pucca road over his private land.

The documents in support of the claim of the petitioner including the deed of gift in his favour were also forwarded.

It appears the respondent authorities did not care to consider the said representation filed by the petitioner.

Today from the report it appears that at least a part of the petitioner's land has been utilized for construction of the public road.

The authority ought not to take over the private land of an individual without payment of necessary compensation and without acquiring the same in accordance with law.

In view of the above, the instant writ petition is disposed of by directing the respondent No.3 being the

District Panchayat and Rural Development Officer, Tamluk, Purba Medinipur to take a decision with regard to the representation filed by the petitioner on 18th August, 2020 strictly in accordance with law, at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall afford an opportunity of hearing to the petitioner and all other necessary parties at the time of consideration of the said representation.

The said authority shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 18th August, 2020 along with all other documents in support of his claim to the aforesaid respondent at the time of communicating the order of the Court.

Personal appearance of the District Panchayat and Rural Development Officer, Tamluk, Purba Medinipur stands dispensed with.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)