

04.01.2022
Srimanta
Ct. No. – 02
Sl. No. 12

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

W.P.A. 1750 of 2021

**Amal Chandra Roy & Ors.
-versus
The State of West Bengal & Ors.**

Mr. Subhasish Misra, Adv.

...For the Petitioners.

Mr. Subir Kumar Saha, A.S.G.,
Mr. Pretom Das, Adv.

...For the State.

The grievance of the petitioners is that during the devastating flood of 1993 the connecting road between Singijani to Fulbari was washed away. After the said road being washed away, the local people started to use the land involved in the writ petition as the pathway in between Singijani to Fulbari. The said land was owned by the petitioners. Over the said land permanent road was constructed by the Public Works Department. However, the land in question was not acquired by the State Government. In the Government record, the petitioners are shown as the recorded tenants in respect of the disputed land in question. The petitioners made several representations and finally an inspection was done by the local Gram Panchayat and in the inspection report

dated 22nd January, 2019 it was observed that the grievance of the petitioners is genuine, the disputed land is the private land of the petitioners and the same has not been acquired as yet. The Block Development Officer, Mathabhanga – II Development Block was requested to take step for acquisition of the said land in accordance with law. Since after such field enquiry no action was taken by the respondents, the petitioners have come up with the instant application.

Having heard the learned advocate for the petitioners and the learned advocate for the State and on perusal of the supporting documents annexed with the instant writ petition, the application under Article 226 of the Constitution is **disposed of** with a direction upon the respondent no. 3 to consider the case of the petitioners within three months from the date of communication of this order. The petitioners are at liberty to file a written representation before the respondent no. 3 with all supporting documents. If it is found that the disputed land is not acquired, the respondent no. 3 shall initiate the process of acquisition and complete the entire process within three months from the date of communication of this order.

(Bibek Chaudhuri, J.)