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jdt.

21.09.2023
jb.

W.P.A. 151 of 2019
(Sandipan Chowdhury & Anr. vs. State of West Bengal & Ors.)

Mr. Biswajit De
Ms. Mallika Manna
.... For the Petitioners

Mr. Chandi Charan De
Mr. Ayan Banerjee
Mr. Anirban Sarkar
.... For the State

Heard learned counsels for the parties.

It appears from the report in the form of affidavit submitted on behalf of the State respondents that a joint enquiry was held by the District Magistrate in presence of the petitioners and other State authorities pursuant to the direction of this Court given on 10th July, 2019 and the field enquiry report submitted by the Block Land and Land Reforms Officer on 14th July, 2023 demonstrates that about 0.1650 acres of land of the petitioners has been utilised for the purpose of construction of metal road. The report of the District Magistrate and Collector, Paschim Medinipur also suggests that the road was constructed under the Pradhan Mantri Gram Sadak Yojana scheme.

It is submitted on behalf of the State respondents that constructions under the Pradhan Mantri Gram Sadak Yojana scheme are done by the concerned Gram Panchayat.

In view of the above, this Court is inclined to hold that since admittedly a portion of the petitioners' land has been encroached upon by the Gram Panchayat, being the 10th

respondent herein, the 10th respondent should either pay necessary compensation to the petitioners for utilisation of their land or restore the land in favour of the petitioners in its original form.

The writ petition is accordingly disposed of directing the 10th respondent to either pay compensation to the petitioners for utilisation of their land under Pradhan Mantri Gram Sadak Yojana scheme or restore the land in its original form in favour of the petitioners within three months from the date of communication of this order.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Since the 10th respondent is not represented, a copy of this order along with copies of the reports submitted by the Block Land and Land Reforms Officer and the District Magistrate be furnished to the 10th respondent by the petitioners at the earliest.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)