

Item No.7
17.04.2023
Court. No. 19
GB

WPA 4462 of 2023

Jharna Bhakta & Ors.
Vs
The State of West Bengal & Ors.

*Mr. Shamim Ul Bari,
Sk. Jayed Hassan,
Mr. Raju Mondal*

...for the Petitioners.

*Ms. Sipra Majumdar,
Ms. Sangeeta Roy*

...for the State.

Mr. Uttam Kr. Bhattacharya

...for the Respondent Nos.3, 4 & 5.

*Ms. Pritikana Gatait,
Mr. Sudipta Maiti*

...for the Respondent No.8.

Upon perusal of the inspection report, the court is satisfied that the Zilla Parishad had not forcefully taken away any land belonging to the petitioners. The inspection was held in the presence of the parties. The petitioners have also signed such report. The inspection revealed that no construction had been made on Plot Nos.51 and 52 of Mouza-Purul, J.L. No.143. In case of Plot No.50, a cement road had been constructed over an existing road measuring 6.5 ft. X 50 ft. in area.

Under such circumstances, the grievance of the petitioners has not been established. If in future, the Zilla Parishad wishes to execute further developmental work and make constructions, the same shall be done strictly in accordance with law.

The adjudication by a writ Court cannot be transformed into a trial. The petitioners have already filed a

suit for declaration and demarcation of their share in Plot No.50 of Mouza-Purul as also in Plot Nos.51 and 52.

The petitioners are always at liberty to act and proceed in accordance with law and pray for other reliefs as permissible in the suit including further reliefs in respect of the lands in question. The apprehension of the petitioners that in future, the Zilla Parishad might construct a pucca road through the the petitioners' land, is not well founded. Hence, no order can be passed.

However, it is made clear that a public authority cannot act beyond the provisions of law and take away lands of private individuals except by authority of law.

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.)