

24.03.2023
Court No. 19
Item no.97
CP

WPA No. 4662 of 2023

Mohan Khamrui
Vs.
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Himadri Kumar Mahata

.....for the petitioner.
Sk. Md. Galib
.....for the State.

Affidavit of service is taken on record.

The Pradhan, Baligori-I Gram Panchayat has refused service.

The postal article with the endorsement 'Refused' has been filed before the court. The same is taken on record.

The petitioner alleges that the gram panchayat had started measuring the lands of the petitioner situated at Plot Nos. 683, 684 and 797 of Mouza – Baidyapur with a proposal for construction of a concrete road through the same. A complaint was lodged before the Block Development Officer through a learned advocate on February 15, 2023. It is alleged that the Block Development Officer, despite having received the said complaint, did not take any steps.

The writ petition is disposed of with a direction upon the Block Development Officer, Tarakeswar Development Block, to dispose of the representation/demand of justice dated February 15, 2023, which is Annexure – P/5 at page 35 of the writ petition, in accordance with law.

While doing so, the petitioner and the panchayat authorities shall be heard.

Before any decision is arrived at, an inspection of the site shall be made in the presence of the petitioner, the gram panchayat members and the pradhan. The Amin of the Block office shall demarcate the land.

If the inspection reveals that the construction was on a plot exclusively belonging to the petitioner, in that event necessary steps shall be taken in terms of Section 44 of the West Bengal Panchayat Act, 1973.

If it is found that the allegation of the petitioner is incorrect or there are rival claims to the property, in that event necessary orders will be passed reflecting the findings. The petitioner would then have to avail of other remedies for declaration of title before any claim for compensation as the owner can be decided.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

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.)