

14 10.10.2023
rkd Ct.15

W.P.A. 7516 of 2016

Panchami Bala Manna

-vs-

The State of West Bengal & Ors.

Sk. Rejaul Alam

....for the petitioner.

Mr. Jayanta Samanta,
Ms. Indumouli Banerjee

....for the State.

Pursuant to the order dated 3rd October, 2023 an affidavit has been affirmed by the Executive Engineer, W.B.S.R.D.A-II, Paschim Medinipur wherefrom it transpires that a joint decision has been taken by the National Building Construction Corporation and West Bengal State Rural Development Agency, Paschim Medinipur Division and it has been decided that no construction work will be undertaken on the land of the petitioner in future. A certificate has already been issued by the Executive Engineer, W.B.S.R.D.A., Paschim Medinipur Division-II dated 26th September, 2023 which is at page 4 of the said affidavit. The said affidavit is taken on record.

Previously certain documents were filed by the learned advocate representing the State respondents wherefrom it appears that one joint inspection report was signed on 18th September,

2023 by Deputy Secretary, Daspur-II Panchayat Samiti and Revenue Inspector G.P. No.12 of Khukurdaha wherein it has been stated that out of 0.03 acres of land falls on Plot No. 270 is recorded in the name of the petitioner under Khatian No.333 and on enquiry it was also found that 744 Sq. ft. of the land of the petitioner merged into the canal and the rest 594 Sq. ft. of area was decided to be utilised for construction of road under PMGSY but the road could not be constructed which falls on the said land of the petitioner.

Since it has already been disclosed by filing an affidavit affirmed on 9th October, 2023 that the concerned authorities are not going to utilise the land of the petitioner for construction of the road the respondent authorities are directed to return the aforesaid land of the petitioner, if the possession of the same is taken in the meantime, within a period of fortnight from date.

Petitioner shall be free to enjoy the aforesaid land without any hindrance in future subject to other legal restrictions.

The learned advocate representing the petitioner has prayed for a direction for converting the land into its previous position since it has been alleged for construction of road materials were

dumped on the said land of the petitioner.

However, on perusal of the writ petition it appears that no case is made out that the nature and character of the land in question has been changed by the respondent authorities; therefore this Court is not inclined to pass any direction upon the respondent authorities to take steps for removing the materials dumped on the land of the petitioner, as alleged.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)