

06. 13.09.2023
bd. Ct.15

WPA 3265 of 2016

Nikhil Mondal @ Nikhil Chandra Mondal & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Subir Banerjee

Ms. Dipanwita Das

Mr. Debarshee Bhattacharya ... For the petitioners.

Mr. Jayanta Samanta

Ms. Indumouli Banerjee ... for the State

The writ petition is heard in presence of the learned advocates representing the petitioners and the State respondents. In spite of service of notice upon the respondent nos. 2 and 3 those respondents are not represented. Affidavit of service filed on behalf of petitioners is taken on record.

The allegation of the petitioners is concerned authority of No. 2 Belabari-I Gram Panchayat, District- Dakshin Dinajpur, constructed road on the land of the petitioners thereby without authority of law plots of land of the petitioners have been taken away which prompted the petitioners to approach this Court with the present writ petition in order to get back those plots of land which are alleged to have been utilised for construction of road. Writ petition was instituted on 22nd February, 2016 and it is indisputable today that the road has already been constructed by the Panchayat authorities.

In order to ascertain whether the road has been constructed on the plots of land of the petitioners or not what is necessary is to apprise

this Court that on which part of the land with specifications the said road has been constructed by the aforesaid Gram Panchayat. On perusal of the writ petition it does not appear that any description of the plots of land have been provided in order to satisfy the query of this Court that those are the plots on which road has been constructed and such plots are owned by the petitioners.

In absence of necessary particulars relating to the plots of land on which road has been constructed by the aforesaid Gram Panchayat relief as prayed for cannot be granted.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioners to approach the appropriate forum for payment of compensation, if it is found that the lands of the petitioners have been illegally encroached.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)