

21.3.2023
Ct.19/sl.18
sn

W.P.A. 6038 of 2023

Raghunath Samanta & Anr.

Vs.

The State of West Bengal & Ors.

Mr. M.A. Samad
Mr. Srijit Chatterjee

..for the petitioners

Mr. Sudipto Panda
Mr. Subrata Ghosh

...for the State

Affidavit of service is taken on record.

The petitioners allege that the Pradhan of Keshapat gram panchayat has been trying to act in the interest of the respondent nos. 6&7, thereby using a portion of the agricultural land of the petitioners for construction of a pathway. The said pathway allegedly would be used for ingress and egress of the respondent nos. 6&7.

Although the respondent nos. 6&7 are not before this Court, this writ petition is disposed of in their absence as the matter is relegated to the appropriate authority for a decision.

The panchayat authorities are entitled to use any private land for construction of a road for public purpose provided adequate compensation is paid to the land owners or land owners voluntarily permit user of the said land. Reference is made to Section 44 of the West Bengal Panchyat Act, 1973.

Under such circumstances, this writ petition is disposed of with a direction upon the Sub Divisional Officer, Tamluk to treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the Pradhan of Keshapat Gram Panchayat, the petitioners and the respondent nos. 6&7. If it is found that the Pradhan has been trying to utilize the land or has already used the land of the petitioners to construct a village road, action shall be taken under Section 44 of the West Bengal Panchyat Act, 1973. The petitioners do not want to give their consent for such construction. Such decision shall be taken only if it is found on inspection and upon consulting relevant documents, i.e., title deeds, mouza map, record of rights etc. that the petitioners have right, title and interest in the land in question. However, if it is found that there are pre-existing disputes between the petitioners and the respondent nos. 6&7 with regard to right, title, possession etc. in respect of the said land, the parties shall be relegated to a civil suit.

A reasoned order shall be passed by the Sub Divisional Officer, Tamluk upon hearing all the parties and upon making an inspection, as directed hereinabove.

Only if the panchayat authorities have taken a portion of the land for construction of a village road, the question of compensation will arise.

This Court has not gone into the merits of the claims of the petitioners.

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

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)