

25.04.2023
Court No. 19
Item no.20
CP

W.P.A. No. 8928 of 2023

Sri Ajoy Krishna Pradhan

Vs.

The State of West Bengal & Ors.

Mr. Noni Gopal Chakraborty

....for the petitioner.

Mr. Jahar lal De

Mr. Shamim ul Bari

....for the State.

Mr. Santimay Bhattacharyya

Mr. Ziaul Haque

.....for the respondent no. 3.

Despite service, none appears on behalf of the panchayat authorities.

Mr. Chakraborty, learned advocate appearing on behalf of the petitioner alleges that the authorities of Golar No. 4 Gram Panchayat had forcibly constructed a road over a portion of the raiyati land of the petitioner. The land is situated at L.R. Dag No. 874 of Mouza – Golar.

Mr. De, learned Additional Government Pleader has handed over a report prepared by the Officer-in-Charge, Keshpur Police Station. The same is taken on record. According to the police authorities, a road was being constructed under a particular scheme by the said gram panchayat.

Whether the road had passed through any portion of the land of the petitioner, would have to be ascertained by proper measurement and identification of the respective lands.

The Block Development Officer, Keshpur had also issued a letter to the gram panchayat and to the Block Land & Land Reforms Officer, Keshpur, for an enquiry.

Under such circumstances, as the Block Development Officer, Keshpur Development Block has already taken note of the petitioner's objection, this court deems it fit to dispose of the writ petition by directing the Block Development Officer, Keshpur to cause an inspection in presence of all the parties. The inspection team shall comprise of the Block Development Officer, Keshpur, Block Land & Land Reforms Officer, Keshpur, an Amin and the Pradhan of Golar No. 4 Gram Panchayat.

All the parties will cooperate with the Block Development Officer during identification, measurement and demarcation of the land of the petitioner and the area through which the road had been constructed.

A report shall be prepared and handed over to the parties. All the parties will be entitled to respond to such report.

Thereafter, the parties will be heard. If the contention of the petitioner is found to be correct, then necessary steps shall be taken to compensate the petitioner in some way or the other as the authorities deem fit.

If the petitioner's allegation are found to be incorrect, the reasons shall be disclosed. In either case, a reasoned order shall be passed and served upon all.

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

Needless to mention, any construction of the road that may have taken place in the meantime, shall abide by the final decision of the authority.

This court has not gone into the merits of the claims and counter-claims of the parties.

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.)