

31.01.2023
Sl. No.496(ML)
srm

W.P.A. No. 8571 of 2022

Nibedan Pal

Versus

The State of West Bengal & Ors.

Mr. Purnasish Gupta,
Mr. Jayanta Mukhopadhyay
....for the Petitioner.

Ms. Mekhla Sinha,
...for the Howrah Zilla Parishad.

The writ petition is based on apprehension. The petitioner has alleged that the respondent Nos.3 and 4 are going to take possession of the petitioner's land for a project. The respondent No.3 is Banupur Gram Panchayat-II and the respondent No.4 is the Block Land and Land Reforms Officer, Sankrail. The writ petition lacks material particulars. The basis of such apprehension is not available in the pleadings.

On the basis of stray allegations of such nature, this writ petition cannot be entertained. The law is however settled that if a private land is utilized for any public purpose, the owner must be compensated and the land can only be acquired by following the due process of law. If in future, the petitioner finds that the authorities have taken a

decision to utilize the petitioner's land for a public purpose, the petitioner will be at liberty to approach the authority for appropriate compensation, provided the petitioner has absolute right, title and interest in respect of the land in question.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)