

30.01.2023
Sl. No.520(ML)
srm

W.P.A. No. 8944 of 2022

Imran Mallick & Ors.

Versus

The State of West Bengal & Ors.

Mr. Amit Pan,
Mr. Haridas Das

....for the Petitioners.

Mr. Jahar Lal De

...for the State-respondents.

Mr. Dilip Kumar Sinha

...for the Respondent Nos.11 to 15.

Affidavit-of-service is taken on record.

The petitioners who are villagers and adjacent plot-holders to the lands of the respondents Nos. 11 to 15, pray before the Court that directions may be passed upon the panchayat authority to resume the work of construction of the road on the basis of the order of the Block Development Officer.

It appears from the order that the Block Development Officer, Kolaghat Block, Purba Medinipur had arrived at the conclusion that the respondent Nos.11 to 15 were occupants of a land situated at Plot Nos.1822 and 2279 of mouza Paikpari, excluding the land over which a road had been existing since long. A metal road was being

constructed by the panchayat authorities over such existing road. The order was passed by the Block Development Officer on the direction of this Court.

The learned Advocate for the respondent Nos.11 to 15 contends that the existing road was over their exclusive land. On the other hand, the inspection held by the authority indicates in details as to how, upon demarcation, it transpired that the respondent Nos.11 to 15 did not purchase the area on which the road had existed since long. The said respondents purchased the land excluding the road. Such order was passed by the Block Development Officer, Kolaghat Block on March 25, 2022. No challenge has been thrown to such order by the respondent Nos. 11 to 15.

Under such circumstances, the writ court cannot go beyond the above findings. The road shall be constructed by the authority over the existing pathway without encroaching the portion of the land of the petitioners which have been delineated in the purchase deeds and demarcated by the Block Development Officer. If the respondent Nos. 11 to 15 have any grievance with regard to denial of their right, title and interest by the authorities, their appropriate remedy would be before the civil court.

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.)