

03.05.2023
Sl. No.17(DL)
srm

W.P.A. No. 9868 of 2023

Ramkrishna Sahoo & Ors.

Versus

The State of West Bengal & Ors.

Mr. Manorajnan Jana,
Mr. Radhasyam Maiti

....for the Petitioners.

Mr. Ansar Mondal,
Mrs. Srilekha Bhattacharyya

...for the State-respondents.

Despite service, none appears on behalf of the panchayat authorities. Affidavit-of-service is taken on record.

The petitioners' grievance is that the authorities of the Banashyam Nagar Gram Panchayat, South 24-Parganas have taken a decision to construct a concrete road through the *raiya* land of the petitioners situated at Plot No.986 of mouza Banashyam Nagar, J.L. No.56, without any permission.

Reference is made to Section 44 of the West Bengal Panchayat Act, 1973. The petitioners specifically contend that unless the panchayat authorities are restrained from continuing with such construction, the petitioners will

suffer irreparable loss and injury as their valuable right to property has been infringed.

As none appears on behalf of the panchayat authorities, it is not possible for the Court to come to a factual finding as to the correctness of the allegations made by the petitioners.

The Court deems it fit to direct the Block Development Officer, Pathar Pratima Development Block, South 24-Parganas, to cause an inspection in respect of the land in question. During such inspection, the petitioners, the Pradhan of the Banashyam Nagar Gram Panchayat, the concerned Block Land and Land Reforms Officer, Revenue Inspector and the Amin, shall be present. The Revenue Inspector with the help of the Amin will measure the land belonging to the petitioners with reference to the title deeds, record of rights and other documents and also measure the proposed route through which the concrete road is to be constructed. A demarcation shall be made upon such measurements. If it is found that a part of the road crosses through the petitioners' land, necessary orders shall be passed with such finding. The order shall be supplied to the parties and sent to the appropriate higher authorities for steps to be taken in terms of Section 44 of the West Bengal Panchayat Act, 1973 or to

compensate the petitioners in some other way including purchase of the land directly from the petitioners.

However, if the contention of the petitioners is found to be incorrect and the road is proposed to be constructed through a different route over which the petitioners do not have any right, title and interest, the order shall reflect such finding and no further steps would be required for payment of compensation.

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.)