

01.02.2023
Sl. No.560(ML)
srm

W.P.A. No. 9867 of 2022

Basudeb Giri & Ors.

Versus

The State of West Bengal & Ors.

Mr. Amit Baran Dash,
Ms. Ankana Sarkar

....for the Petitioners.

Mr. Sudipto Panda,
Ms. Munmun Tewary

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioners allege that a culvert/concrete pipe line, had been constructed on a government road, that is on Plot No.2764 of mouza Baranalgariya, District-Purba Medinipur, by the concerned gram panchayat without considering the damage the same would cause to the land of the petitioners.

According to the petitioners, the culvert had been constructed just in front of LR Plot No.2412. The petitioners have decided to get the land converted to 'bastu' for construction of a dwelling house. The petitioners apprehend that excess water which gets collected in the locality during the rainy season would

overflow to the land of the petitioners. The petitioners pray that the culvert be demolished.

The Block Development Officer, Egra-II Development Block, has submitted a report. It appears that the Pradhan, Sarbodaya Gram Panchayat had taken the initiative to build a culvert and such decision was approved by the gram panchayat. The culvert had been built to protect the agricultural lands of approximately 100 farmers from being flooded during the rainy season. Such step was taken only to ensure that the farmers could continue with their agricultural activities without any hindrance and damage to the crops. The culvert had been made for drainage of excess rain water.

The map enclosed to the report indicates that the culvert is on a government road and not on any portion of the land of the petitioners. The resolution of the gram panchayat also indicates that the panchayat authorities had resolved to ensure that the culvert would not pose as an obstruction to the petitioners' enjoyment of their land.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Sarbodaya Gram Panchayat as also the Block Development Officer, Egra-II Development Block to ensure

that there is no overflow of excess water through the culvert, to the land of the petitioners.

With the above directions, the writ petition is 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.)