

Item No.238

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24

WPA 10570 of 2023
Dipak Kumar Smanta

v.

The State of West Bengal & Ors.

Mr. Nemai Chandra Betal
Mr. Suresh Kumar Sahoo
... for the petitioner.

Mr. Tapas Kumar Adhikary
... for the State.

The petitioner complains of the illegal act on the part of the Panchayat Samity in taking steps for construction of road over the private land of the petitioner. The petitioner raised an objection before the Block Development Officer in January 2023 followed by reminder in April 2023. None has been considered till date.

The petitioner has specifically mentioned that the land in question is the private land of the petitioner and the Panchayat Samity do not have any right to construct a public road thereon.

Learned advocate representing the Block Development Officer submits, upon instruction that, the road is yet to be completed. Part construction has been made.

The instant writ petition is disposed of by directing the Block Development Officer to take immediate steps for consideration of the objection raised by the petitioner against the unauthorized construction of road over the

private land of the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. The Block Development Officer shall cause a spot inspection to ascertain the quantum of private land of the petitioner which has been encroached for constructing the public road.

If it appears that the construction has been made over the private land and the road in question will be required for public purpose, then it will be open for the authority to initiate steps for acquisition of the land upon payment of compensation in accordance with law. If construction has not been made, the same shall not be made over the private land of the petitioner.

A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)